App F. IX-4

PRESERVED

Previous References. 1940-46 (Legis)

File No. 4074

Serial Nos. 1

Later References. HC 188-39 & 187

A Collection

(126)

GENERAL AND REVENUE SECRETARIAT

Serial Nos.

Part B for ~~June~~ Jan, 1942

SUBJECT

Workmen's Compensation (Amendment) Act (Act No IX of 1942)

The Compiler Reports Gazette vol RL 1819 Legis 40-41-1 dated 27 1942

Formal Sanction into law the Workmen's Compensation (Amendment) Act as Act No IX of 1942

Amendment of Sec 32A of the Act

General and Revenue Secretariat | File No. 305 of 1937. | [App. F.

From the Secy to the Hon'ble the Resident in
letter no. R. Dis. F. 208-38/R.O. 182 4/3

Forwards a copy of the Govt of India W.C. Amendment Act VII of 1937 amending Section 35 of the Act and also a copy of the rules thereunder and suggests similar amendment of Sec 32A of the Mysore W.C. Amendment Act III of 1936.

A copy of the Govt of India of 1923 (W.C. Act) is put up. The Act does not contain Sec 35 but ends with Sec 34. No reference has been made to any subsequent amendment adding Sec 35 to the Act.

2) The Govt of India Act ~~[illegible]~~ lends its application in respect of transfer money under Sec 35 ~~[illegible]~~ to all parts of His Majesty's Dominions & other Countries and as a result of the Amendment it provides for transfer of money prior to distribution where the employer consents to such transfer. Section 32 of the Mysore W.C. Act (Amendment) III 1936 only lends transfers of money to any part in British India or other States.

Amendment of Sec 3 of the W.C. Registration Act 1912

WC File No. 305 of 1937.

General and Revenue Secretariat

but does not include Burma. The Resident suggests a similar amendment to permit transfers with all parts of His Majesty's Dominions including Burma and also to provide for transfers before distribution

3) A copy of the Resident's letter with may perhaps be sent to the Director WC for opinion and if necessary to propose a draft amendment for consideration Submitted for orders

MWJ Oy 20/4/38

4) A draft amendment and opinion re. the adoption of the rules under the Bo. India Act may be called for from the Dir WC

20/4

Dev Secy

21/4

6) Submitted a draft

MWJ Oy 23.4.38

7) Issue

25/4

To the Director WC

Letter No. D. 8366 of 29-4-38.

Forwarding copy of the Residency letter with enclosures for opinion & if necessary to propose draft amendment under Sec 32A of the W.C. Act

GEN... DEVELOPMENT BRANCH. Secy A

Serial No.

3

From the Director of Ite.

Letter no. H/290/35-36 & 20-6-38

With reference to the forwards draft amendments to Sec 324 of the W.C. Act and rules based on the revised Govt of India Act + rules and requests adoption the same and further states that the British Indian Act has been amended by Act IX of 193 and suggests that the Mysore Act may also be amended similarly.

2) The file may be referred to the Law Section for scrutiny of the amendments

MMO
25/6/38

3) Please put up a draft 'Objects & Reasons' & general principles

KS
27/6

4) A statement of objects and reasons and general principles is laid

MMO
21.12.38

5) A fair draft may be put up early.

KS
27/12

6) Fair copy is put up

MMO
27/12

7) [illegible]

D·1060/L·C

Workmen's Compensation Act – Amendt

4545/38 7·1·39 Sec 32A

General and Revenue Secretariat

File No. 305 of 1937

9

"pl. approval. Hd. File will be sent to Hd. L.C. Section for Scrutiny & remarks.

16/ 28/12

Dep. Secy.)

5) MN 5.1.39

Typed draft

16/

6) Typed draft with

12) for favour of Scrutiny & remarks

16/ 12/1

Secy. R.A. & C.C. } 16/ 1...

Case the amendment has to be placed Assembly, the General Principles of the Bill after additionally the Assembly in cha forwarded to this Section, through the -, in time for being included in the Agenda get Session of the Rep. Assembly inform

BVN 16-1-39 19) This may be returned to the Dev. Branch for necessary action.

16.1.39

20) Action for necessary Secti

16/1/39

21) Reference is invited to . , -62-70 Legis I

5506/D Amendment of Section 32 A &c. in Workmens Compensation Act

General and Revenue Secretariat | 4C File No. 305 of 19: | [App. F. III–2

Serial No.

Workmen's Compensation (Amendment) Act XIII of 1939. This is for the consideration and orders of Government.

1) In this connection I would also to invite a kind reference to my letter No.F1.120/36-37 dated 13th March 1939 forwarding a set of Rules for regulating grant of compensation for Silicosis in the mining industry as formulated by the Special Committee appointed by Government. In that communication a question has been raised whether provision for prescribing the measure of compensation to be awarded in such cases and for making the omission of certain acts on the part of employers penal should not be made in the Workmen's Compensation Act itself, by suitable amendments. If this question is decided in the affirmative some further amendment to the present Act would become necessary.

2) The opportunity of amending the Act on the lines now proposed by me may be taken to provide for the other amendments necessitated by the promulgation of the Silicosis Rules.

17/5/39

COMMISSIONER FOR WORKMEN'S COMPENSATION, BANGALORE CITY.

2) 16-5-1939. Dewel Jackson Secy to Govt.

3) The file referred to at A was submitted to First Member with the draft bill and is now under submission to H. H., with a D.S.N.; its return will be awaited.

18/5

16/5/39

Dep Secy

File on the Silicosis Sec 188 of 1901

NOTE—Contn. Sheet.

Final Notification re: Silicosis rules (under submission to Govt separately) 9/1/40.

Amendment of Section 32 A of the Workmens Compensation Act (XII of 1923).

7170

Re File No. 305 of 193;

General and Revenue Secretariat

Serial No.

36) An act amending the Workmens Compensation Act as suggested in para 31 supra has been passed (Vide legislation placed below).

The revised draft of draft amendment to further amend the Act to bring it into conformity with the British Indian Act as amended by Acts VI of 1933 + IX of 1934, suggested by the Director is for orders. Objects + Reasons for further amendment of our Act already in the file is for consideration. Draft Bill made for orders.

SECY. DEV. DEP. 16. JAN. 1940 GOVT OF MYSORE

K

7

X

37) The Residency letter of 2.4.38 suggested the amendment of S. 32 A (2) as to permit loan as here with all kinds of N. W. Companies, such Burma, but the draft sent by the Director (K) has not been amended in this regard. This may be looked into.

Cy 23/1 18/1

38) Seen. This has been provided for in the Rules sent up by the Dir. of Industries. After the Govt of India Rules as suggested in the Residency letter [illegible] These rules have to be consi

4979/39 pb

Amendments to W.C. Act

2871

General and Revenue Secretariat. | File No. | of 19 | [App. F. III-2

Serial No.

R

Copy of Workmen's Compensation Act by P. Ramanatha Aiyar is placed in file.

Returned

(41)

Sec 32 A of the Act was added by Act III of 1936 ~~which was stated that~~ following the addition made to the Govt of India Act (Sec 35) in 1933: While the several sections of the Govt of India Act have been more or less closely adopted for our Act, the words ~~"British India or the States in India" have been adopted~~ "His Majesty's Dominions or to any other country" occurring in Sec 35 of the former Act have been substituted by the words "British India or other States in India" in our Act (Sec 32A) This seems to have been advisedly done. Vide page 31 in Legis 7-36-1 placed below. No later Section may be contributed.

26/1-

(42) 26/1/40

Dw 6/1)

Law Sec. 27/1)

(43) 27/1

27/1

(44)

The amendments suggested in the statement of the Director (Flag K) in comparison with the amendments made in British India by Acts VII of 1937, IX of 1938 and XVII of 1939 except in two particulars.

The first is the amendment of our section 32 A which is different from the British Indian section 35. The British Indian Act Sec 35 read with the amendments of 1937 permits transfer of Compensation with the power of the

SECY. DEPT. 26. JAN. 1940 GOVT OF MYSORE

LAW DEPT. 5214 GOVT OF MYSORE

REV. SECRETARIATE 29. JAN. 1940 GOVT

29/1/60

W-128 of 39

29th January 1960.

Amendment to Workmen's Compensation Act

File No. of 19

General and Revenue Secretariat.

Serial No.

Majesty's dominions and the Courts, even prior to its distribution when the employer agrees to it. While the 1937 amendment is incorporated in the Statement (k) the section has not been brought into a line with that already in force in British India prior to 1937. The Agency suggest that this may be amended in accordance with the British Indian Act. Though the language was changed in 1936 when introducing the section 32 A, there does not appear to be any objection to following the Indian section 35.

(5) The second particular in which there is a difference in regard to the new section 5A proposed in this Section 3 of Act XIII of 1939. But the 1939 Act specifically states that the retrospection of proceedings under this section shall be to proceedings concluded after the 1st July 1934. No such limitation is found in our Bill. This would open up all proceedings ever since the original Act was passed. and such a limitation is perhaps unjust

Submitted

for Secretary 6/5/40 3/5/40

(6) The amendments suggested may be adopted. The words "His Majesty's Dominions" may be added after the words "British India". Perhaps, that Burma will be separated from British India might not have been noticed on the previous occasion

6/5/40

Amendments in Workmen's Compensation

2971

General and Revenue Secretariat | File No. 305 of 1938 | [App. F. III–2

Serial No.

48) Sec. The amendment suggested in para 6) supra is added to in the draft of amendments sent upl the Dir (K). Vide additions in ink in page 4 – 2nd & 3 columns.

49) The amendments typed & red and revised as per the Law Dept note may perhaps be adopted

15/5 Law

50) Dewan) may be approved.

Ce 23/5 L 23/5

(21. Mon)

51) MM 24/5/40

52) Council con. may be disposed of by circulation

Ce 25/5. L 25/5

Dewan)

53) MD 26-5-40

LEGY. DEPT. 5 MAY 1940 MYSORE

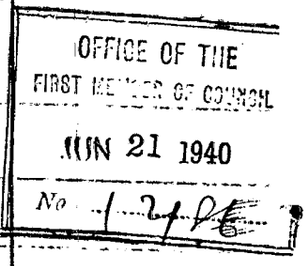
OFFICE OF THE FIRST MEMBER OF COUNCIL MAY 23 1940 No 10991

2871 Amendment of the Workmen's Compensation Act

In File No. 305 of 1937

General and Reve Secretariat

Serial No.



(61) Typed draft (D7(V)) submitted?

Yes 18/6

(62) For approval

Draft 18/6/40

(63)

Yes 20/6

(64) The proposed amendments may be put in the form of a draft bill with a statement of objects & reasons and a note on clauses.

Necessary 23/6/40

24/6

Recd on 2/7 from Supdt.

Subd to the Law Secy that no material was available re: note on clauses, and that drafts for the others have been prepared.

"To put up at 11 AM, tomorrow"

Yes 11/7.

File with the Law Secy for perusal. Will be required 18.7.40

Returned

Law 18/7

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

27 JUL 19
GOVT. OF MYSORE

Amendments to the Workmen's Compensation Act

Re: Members minute—

A draft bill with statement of Objects & reasons is put up as above. As regards notes on clauses, it would be better if the several bills of Govt of India are ~~to get~~ referred. The Govt of India gazettes where these were published are not traced in the records. Attempts will have to be made to get at them. It is likely that some time may be required to trace them.

In the meanwhile it will be helpful if a ~~copy~~ copy of the latest edition of the Govt of India Act Commentaries ~~are~~ is obtained. If approved a copy may be brought.

Further it is ascertained that the bill cannot be placed before the next R-A. but only before the reconstituted

68)

For personal and [illegible] orders.
Further action will be taken as indicated above and the notes will be put up after obtaining the necessary information

Workmen's Compensa Amendt

General and Revenue Secretariat | File No. | of 194 | pp. F. III-2

Serial No.

78)
No Govt of India Gazettes containing the bills relating to the Amending Acts are not available in the Records. ~~Hence absence~~ As necessary information for putting up notes in respect of the several amendments as ordered is not available in this office the file has perforce to be referred to the Dir.r of Ind.s etc. for necessary action & early return

M 29/8.

71) 25/8/40

Dr Lobo

72) yes Cr 30/8 30/8

73) Forwarded with compliments to the Director of Industries & Commerce for kind of returning the file after putting up notes in clauses as ordered by the D. Member

By order
for Secretary to the
Dev. Deptt

31/8/40

Returned with compliments

A draft Bill embodying the amendments proposed with a statement of objects and reasons containing notes, on the more important amendments, is herewith put up for perusal and favour of further action.

B L P Mundale
Director of Industries
and Commerce.

Development Decretary to Government)

GEN. & REVENUE SECRETARIAT. 14 SEP 1940 NOTE—Contn. Sheet. DEVELOPMENT BRANCH.

L.R.

Workmen's Compensation Act — Amendment

2871/5506.

305

of 1937.

General and Revenue Secretariat

Serial No.

5) The draft Bill are forwarded by the Dir of Fxe is subd for orders Refce Members minute at Para 64) of our notes.

Yes 17/9

76) The D F N in the file is for consideration

Ref I Members minute at Para 64 re Notes on Clauses explaining the more important changes

17/9/40

D-W 6)

77) Ref I Members minute at Para 64 Notes on Clauses explaining the more important changes are given along with the Statement of 'Objects and Reasons'

78) The Draft bill is also for perusal and orders. This will be referred to the Law Section for scrutiny after the file is submitted to His Highness.

79) The D.F.N in the file is for Consideration

18/9/40

80) D-W 6)

Please see para 65 of notes. The Committee has not been taken note of in this draft bill. It is necessary to enquire into such limits

Workmens Compensation Act

556

General and Revenue Secretariat | Rc File No. 305 of 1937 | [App. F. III-2

Serial No.

81) Forwarded with Compliments to the Director of Industries and Commerce for favour of necessary action. Vide para 80.

By order,

J. Matha 25/9/40

for Secretary to Government, Development Department.

25.9.1940.

82) Returned, with compliments, to the Secretary to Government, Development Department.

83) Due note has been taken of the notes put up at para 45 while preparing the draft bill in respect of the restriction imposed in the new Section 5 A of the British Indian (Amendment) Act XIII of 1939 in respect of restoration of proceedings.

84) Owing to the existence of a large number of Industrial Establishments and correspondingly large number of cases dealt with by the British Indian Provinces and also owing to the fact that the Indian Workmen's Compensation Act came into force as far back as 1st July 1924, the limitation laid down in the new Section 5 A restricting the restoration of proceedings only to those concluded after the 1st July 1934, was necessary in British Indian Act. But, in Mysore, the Workmen's Compensation Act came into force only in July 1928. Considering this and also th comparatively small number of cases dealt with under this Act in Mysore since 1928 and with a view to

(PTO)

ಅಂಶ No. 47 of 40-41
25-9-40

9/40/41 269/40

d/ 26/9

to giving the benefit of the new section to the few cases that might have been prejudicially affected by of the original definition of "wages", no limitation as in the British Indian Act was sought to be imposed here. If, however, it is considered expedient to provide in the new clause 5 A some limitation in respect of restoration proceedings, I would suggest the insertion of the words " concluded after 1st day of July 1934" after "Act XIV of 1928" in line 2 of the new clause 5 A incorporated in the draft bill placed on the file.

Director of
Industries and Commerce.

Bangalore,
5th Oct. 1940.

85) Sub for orders. Vide para 80)
The addition suggested by the Director has been embodied in the draft Bill. Vide para 82)

86) 23/xii

87) Rep. Para 64.
Revised S.R.V. for approval

88) The bill may be put in the usual legal phraseology and the file resubmitted with a clean copy of the bill & the statement of objects & reasons

5/11/40

5/11

Serial No.

92 The British Indian Act may be followed in regard to clause 5.

93) Clauses 11 and 12 as drafted may be approved.

94) In clause 10(h) the words "or registered Trade Union authorised in writing by such person may be omitted, since we have no trade unions in Mysore.

MKV 18/3

Law Secy)

95) Please put up a statement of objects and reasons also.

Hm 2 19/3/41. MKV 19/3

97) A Statement of general principles together with note on Clauses is put up as ordered above.

Sec 18.4.41

BKR 21.4.41

Law Secy

Member) 98) Hm 2 21/4/41.

99 MLL 27/4/41

100) This is a Council matter and may be disposed of by circulation

Dewan)

Hm 2 28/4/41 BKR 28-4-41

103) Sec 29-4-41

DEWAN'S OFFICE 29. APR. 1941 NO 7405

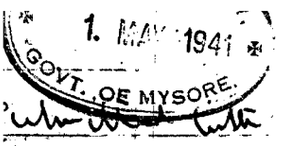
OFFICE OF THE FIRST MEMBER OF COUNCIL APR 24 1941 No 1089

For circulation

(Chief Secy)
MC.

Hm
2
1574

BXR
15.41.



circulation Memo
1941. Dijaw

Final Note by the First Member of Council.

Subject.—

Workmen's Compensation (amendment) Bill.

Since 1938 the question of amending the Mysore Workmen's Compensation Act, 1928, so as to bring it into line with the corresponding enactment in British India, has been under the consideration of Government.

The Mysore Act is modelled very largely on the Workmen's Compensation Act, 1923, of British India and amendments made in British India from time to time have been considered and where necessary, have been adopted in Mysore.

Paras 89+90 of office notes.

In 1937, 1938 and 1939 a number of amendments were made in British India in order to remove ambiguities and minor defects which had come to light in the course of the administration of the Act.

It is considered that these amendments might, with advantage, be adopted in Mysore.

Dft for appl. + Kg. D

A draft Bill has been prepared for the purpose and it is proposed to place it before the Representative Assembly and thereafter introduce it in the Legislative Council.

Paras 103 + 104 of notes.

The Dewan and the Second Member are agreeable to this proposal.

The gracious sanction of His Highness is solicited to the above proposal.

N. Madhava Rao

MEMBER OF COUNCIL.

Bangalore,
8th May 1941.

Submitted to His Highness.

I submit herewith a Final Note by the First Member of Council regarding the Workmen's Compensation (amendment) Bill,

for His Highness' gracious approval.

Bengalore,
9th May 1941.

ya M. Ismail
ewan.

eral and Revenue
Secretariat.

C598.

SUBJECT :—

Workmen's Compensation (Amendment) Bill

Circulated to Members of Council for perusal of His Highness' orders before/~~after~~ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.) (*)

M. Venkatasubbayyangar
Dy. Secy.
for Chief Secretary to Government.

Through the Secretary to Government,

Law ..... Department.

14/5/41

FIRST MEMBER OF COUNCIL.

11795
14/5/41

NM
14/5/41

SECOND MEMBER OF ~~COUNCIL~~.

10640
15.5.41

15.5

Law Secy. with Compliments.

15/5/41

WD 02010—GPB—250—19-3-41

15/5/41

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

The Bill which was not taken up at the recent R.A. this May, perhaps be considered at the next session. Meanwhile for orders if the file may be sent to the Protection Brfr for necessary action

[illegible]

The Bill is ready for the R.A. It is for orders as to who should be in charge of the Bill in the R.A. At the last session when the Bill was ready (but not taken up) the Dev. Secy was in charge.

27.9.41

Secy
R.A. (HE)

The principles of the Bill were approved of the Ho
unanimously.

The Bill will, if approved, be published u
rule 36 of the Mysore Legislative Rules. The
dispense with the first stage of reading.

The objects principles with notes on
will be adopted as the Statement of Objects and

3-11-41

Law Secy.)

---May be ap
intr
Law.)

Final Note by the Minister for Law.

Subject.—

The Workmen's Compensation (amendment) Bill.

The gracious approval of His Highness was accorded on the 12th May 1941 to place the Workmen's Compensation (amendment) Bill before the Representative Assembly and to introduce it thereafter in the Legislative Council.

The statement of principles of this bill was placed before the Representative Assembly during its last session and the principles of the Bill were approved by the Assembly unanimously. The Bill itself was introduced in the Legislative Council during its recent session and was passed by that House at one sitting. There was an amendment tabled by a member of the Council to this Bill which was however withdrawn by leave of the House. A copy of the Bill as passed by the Legislative Council and signed by the President in accordance with Standing Order 44 of the Mysore Legislative Council Standing Orders, is also submitted herewith.

I now solicit the gracious sanction of His Highness to promulgate the Bill into law.

MINISTER FOR LAW.

Bangalore,
29th December 1941.

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Law on the subject of the promulgation into law of the Workmen's Compensation (amendment) Bill, for His Highness's gracious approval.

R. Madhava Rau

DEWAN.

Camp Trivandrum,
5th January 1942.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation into law of the Workmen's Compensation (amendment) Bill.

No. 516

Order.

KW.
6/1/'42

Ch... f... S...

17.1.42

General and Revenue C 666

Secretariat.

SUBJECT:—

Promulgation into law of the Workmen's Compensation (amendment) Bill.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

34. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.) (*)

Chief Secretary to Governmen..

Through the Secretary to Government,

Law .....Department. 17.1.42

4001/20.1.42 Minister for Finance and Revenue. 21.1.42

7074/19.1.42 Minister for Law. 20.1.42

3969/22/1/42 Minister for Education. 23.1.42

Minister for Local Self-Govt. and Public Health (on deputation)

Law Secy. with compliments.

23/1/42

WD 04199—GPB—500—27-9-41

16.1.42 23.1.42

force in Mysore, be presumed for all purposes as between the parties to a contract for the purchase of baled cotton, to have been so marked before leaving the factory in which it was [illegible] ".

13. STATEMENT OF PRINCIPLES OF THE BILL TO FURTHER AMEND THE WORKMEN'S COMPENSATION ACT, 1928.

The Mysore Workmen's Compensation Act, 1928, has been modelled very largely on the corresponding British Indian Act of 1923. Amendments made to the British Indian Act, from time to time, have been considered and, where necessary, adopted in Mysore.

In 1937, 1938 and 1939 a number of amendments was made in British India. The present Bill seeks to incorporate these amendments in the Mysore Act. These amendments are intended to deal with a number of ambiguities and minor defects which have come to light in recent years in the course of the administration of the Act.

The more important of the changes sought to be effected now are indicated in the Notes on clauses appended hereto.

Notes on Clauses.

Clause 2.—The definition of "dependant" has been enlarged to include a minor child of a deceased daughter where no parent of the child is alive.

Clause 3.—The provision relating to the liability of an employer for compensation has been widened so as to render him liable to certain additional occupational diseases which have been added to the list of diseases in Schedule III.

Clauses 4 and 5.—Clause 4 is intended to remove doubts as to whether a worker whose wages are paid otherwise than by the month or on a monthly basis can, under any circumstances, claim the benefits of the Act. A more formal definition of the expression "monthly wages" is therefore proposed. A provision enabling a workman, whose claim for compensation has been rejected on the above ground, to have the investigation of his claim re-opened is also incorporated by clause 5.

Clause 6.—The period within which notice of an accident or death has to be given to a Commissioner has been raised from six months from the date of the accident or death to one year therefrom.

Under clause (*a*) of the proviso to this section (section 10), failure to give notice is no bar to the maintenance of proceedings if the employer had notice of the accident or death. In practice, however, it has been found that in some cases the real employer pleads ignorance of the accident or death and escapes liability though other persons responsible to the employer in the business in which the employee met the accident or death may have notice. This defect is also sought to be removed.

Clause 10.—The right to appear before a Commissioner on behalf of any party to proceedings before him is now unlimited and any person authorised by a party may do

The amendment to section 13 is intended to remove great hardship caused to the trade by a rigid applica- of section 13 which confers on a person the power to ct a bale tendered in fulfilment of contract if it is not ked as required by law. Under this section, even or technical faults in marking have been made a nd for rejection of the bale. By the present amend- t, only bales not bearing the special mark prescribed factory under section 4 can be rejected.

so. The proposed amendment seeks to limit this right to a legal practitioner or an official of an insurance company or with the permission of the Commissioner to any other person, authorised by a party.

Clause 11.—Section 32A of the Act limits the transfer of compensation to transfers between Mysore and British India or other Indian States. The present amendment permits not only transfers with all parts of His Majesty the King Emperor's Dominions or other Indian States but also provides for the transfer of money prior to its distribution where the employer consents to such transfer.

Clause 12.—Schedule II of the Act which gives a list of persons who are " workmen " within the meaning of the Act is proposed to be considerably enlarged and to include a number of new kinds of employment also.

Clause 13.—Schedule III of the Act giving a list of occupational diseases is proposed to be widened and a number of new diseases considered as occupational and giving a workman so affected during his employment a right to compensation is added.

The other changes are of a minor nature.

A Bill further to amend the Workmen's Compensation Act, 1928.

WHEREAS it is expedient further to amend the Workmen's Compensation Act, 1928, for the purposes hereinafter appearing :—

It is hereby enacted as follows :—

(1) This Act may be called the Workmen's Compensation (amendment) Act, 194 .

Amendment of section 2, Act XIV of 1928.

2. In clause (*d*) of sub-section (1) of section 2 of the Workmen's Compensation Act, 1928 (hereinafter referred to as the said Act),

(*a*) in sub-clause (i) for the word " wife, " the word " widow " shall be substituted ;

(*b*) in sub-clause (ii) for the word " husband, " the word " widower " shall be substituted ; and

(*c*) in sub-clause (ii) after the words, " a minor child of a deceased son ", the words and comma " a minor child of a deceased daughter where no parent of the child is alive" shall be inserted.

of section 3, Act XIV of 1928.

3. In sub-section (2) of section 3 of the said Act—

(*a*) for the words beginning " If a workman " and ending " disease of anthrax, " the following words shall be substituted, namely,—

" If a workman employed in any employment specified in Part A of Schedule III contracts any disease specified therein as an occupational disease peculiar to that employment ;"

(*b*) after the words " any employment specified in " the words " Part B of " shall be inserted ; and

(*c*) at the end of the explanation, the words " in the same kind of employment " shall be added.

Amendment of section 5, Act XIV of 1928.

4. In section 5 of the said Act—

(*a*) for the words, " In this Act, monthly wages mean the wages of a workman by whatever period paid and shall be calculated " the following shall be substituted, namely,—

" In this Act and for the purposes thereof, the expression ' monthly wages ' means the amount of wages

eemed to be payable for a month's service (whethe
ie wages are payable by the month or by whatever othe
eriod or at piece rates) and calculated'.

5. After section 5 of the said Act, the following
ew section shall be inserted, namely

"5 A. Where in any proceedings under this Act
ncluded after the 1st July 1934, any person has been
und by a Court not to be a workman within the mean-
ig of this Act only by reason of the fact that his wages
ere payable otherwise than by the month or on a monthly
asis, such finding shall be void and of no effect and the
ourt shall, notwithstanding anything to the contrary
i the Mysore Limitation Act, 1911, or any other law for
ie time being in force, on application made within six
onths from the ..... by any person
rejudicially affected by such finding, restore the proceed-
igs at, and continue the proceedings from, the stage
ached immediately before the order embodying or based
i such finding was made.

In section 10 of t

(a) in sub-section (

(1) for the words beginning "No proceedings for
ie recovery of compensation" and ending "within six
onths from the date of death," the following shall be
ibstituted, namely,

"No claim for compensation shall be entertained by
Commissioner unless notice of the accident has been
iven in the manner hereinafter provided as soon as
racticable after the happening thereof and unless the
aim is referred before him within one year of the
ccurrence of the accident or, in case of death, within one
ear from the date of death";

(2) in the second pro

(i) for the words "maintenance of proceedings" the
ords "entertainment of a claim" shall be substituted;

(ii) in clause (a) for the word "made", the word
referred" shall be substituted; and

(iii) in clause (b) after the words "employer" the
ords "or any one of several employers or any person
sponsible to the employer for the management of any
anch of the trade or business in which the injured
orkman was employed" shall be inserted; and

(3) in the third proviso, for the word "admit" the
ord "entertain" shall be substituted and for the words
nstituted" and "institute", respectively, the words
preferred" and "prefer" shall be substituted; and

7. In sub-section (6) of section 11 of the said Act—

(a) for the words "if it is thereafter proved that
e workman has not been regularly attended by a quali-
d Medical Practitioner and that such refusal, failure or
sregard was unreasonable" the followi shall be
bstituted, namely:

"if it is proved that the workman has not thereafter
en regularly attended by a qualified Medical Practitioner

or having been so attended has deliberately failed to follow his instructions and that such refusal, disregard or failure was unreasonable", and

(b) after the words "qualified Medical Practitioner" where they occur for the last time, the words "whose instructions he had followed" shall be inserted.

Amendment of section 17, Act XIV of 1928.

8. In section 17 of the said Act, for the words and figures "a certificate granted in respect of such person under section 7 or section 8 of the Mysore Factories Act, 1914" the words and figures "a valid certificate granted in respect of such person under section 12 or section 52 of the Mysore Factories Act, 1936" shall be substituted.

Amendment of section 20, Act XIV of 1928.

9. In sub-section (2) of section 20 of the said Act,—

(*a*) for the words "by any party to any proceedings pending before him that such matter" the words "that any matter arising out of any proceedings pending before him" shall be substituted; and

(*b*) before the proviso the following proviso shall be inserted, namely—

"Provided that the Commissioner shall not, where any party to the proceedings has appeared before him make any order of transfer relating to the distribution among dependants of a lumpsum without giving such party an opportunity of being heard";

and in the existing proviso, after the word "Provided" the word "further" shall be inserted.

Amendment of section 23, Act XIV of 1928.

10. In section 23 of the said Act, for the words "other person authorised in writing by such person" the following shall be substituted, namely—

"by an official of an insurance company authorised in writing by such person or with the permission of the Commissioner, by any other person so authorised".

Amendment of section 32A, XIV of 1928.

11. (1) Section 32A of the said Act shall be renumbered as sub-section (1) of that section and in the said section as so renumbered—

(*a*) for the words "to any part of British India or other States in India", the words "to any part of His Majesty the King Emperor's Dominions or any State in India" shall be substituted;

(*b*) for the words "paid to" the words "deposited with" shall be substituted;

(*c*) for the words "for the benefit of" when they occur for the first time, the words "which has been awarded to or may be due to" shall be substituted;

(*d*) after the words "in any such part" and "in such part" where they occur the words "or State" shall be inserted;

(*e*) after the word "receipt" the word "distribution" shall be inserted;

(*f*) for the word "awarded" the word "deposited" shall be substituted; and

(*g*) for the words "and applicable for the benefit of" the words "which has been awarded to or may be due to" shall be substituted.

(2) To the said section as so renumbered, the following proviso shall be added, namely—

"Provided that no sum deposited under this Act in respect of fatal accidents shall be so transferred without the consent of the employer concerned until the Commissioner receiving the sum has passed orders determining its

distribution and apportionment under the provisions sub-sections (4) and (5) of section 8."

(3) After the said section as so renumbered a following sub-section shall be added, namely:

"(2) Where money deposited with a Commissio has been so transferred in accordance with the rules m under this section, the provisions elsewhere contained this Act regarding distribution by the Commissioner compensation deposited with him shall cease to apply respect of any such money."

. In schedule II to the said Act-

(*a*) in clause (i) for the words "mechanica propelled vehicles" the words "a lift or a vehicle p pelled by steam or other mechanical power or electricity and" shall be substituted;

(*b*) in clause (ii) for the words, brackets a figures, "clause (2) of section 2 of the Mysore Factor Act, 1914" the words, brackets, letter and figures, "cla (g) of section 2 of the Mysore Factories Act, 1936" sh be substituted"

fter clause (xviii) the following clauses sh namely-

employed in the tapping of palm trees or t felling or logging of tress, or the transp of timber by inland waters, or the control extinguishing of forest fires; or

employed in operations for the catching hunting of elephants or other wild anima or

(*b*) in the entry relating to lead poisoning or it sequelæ, to the words in the first column the word "excluding poisoning by lead tetra-ethyl" shall be adde and for the words "or its preparations or compounds"; i the second column the words "or any of its preparation or compounds except lead tetra-ethyl" shall be substi tuted; and

(*c*) for the existing entry relating to compresse air illness or its sequelae the following entries shall b substituted, namely—

"Arsenical poisoning or its sequelæ."	Any process involving the productior liberation or utilisation of arseni or its compounds.
Pathological manifestations due to—	Any process involving exposure to th action of radium, radio-activ substances, or X-Rays
(*a*) radium and other radio-active substances;	
(*b*) X-Rays	
Primary epitheliomatous cancer of the skin.	Any process involving the handling o use of tar, pitch, bitumen, minera oil, parafin, or the compounds products or residues of these sub stances."

14. THE MYSORE PETROLEUM BILL.

Statement of Principles.

The Mysore Petroleum Act was introduced in 192 (I of 1923) on the lines of the Indian Petroleum Act o 1899 to control and regulate the importation, possessior and transport of petroleum and other substance in th State. The Government of India Petroleum Act o 1934 on which the draft Petroleum Bill is now framed differs from that of 1899 in many respects. No provisior exists in the present Act to regulate the production refining and blending of petroleum, but the draft Bil provides for these. There are many important provisions incorporated in the draft Bill which have been found necessary in the course of administering the Act. The draft Bill is more comprehensive and based on the latest practice obtaining in the United Kingdom and British India.

Since the State has all along been following the British Indian practice in the matter of administration of the Petroleum Act, it is necessary that the Mysore Petroleum Act I of 1923 should be revised to bring it into line with the Indian Petroleum Act, 1934. The draft Bill has accordingly been framed on the lines of the Indian Act, except in certain minor respects to suit local conditions. When passed into law, it will supersede the Mysore Petroleum Act, I of 1923.

The Mysore Petroleum Bil

A Bill to consolidate and amend the law relating to the import, transport, storage production, refining and blending of petroleum and other inflammable substances.

WHEREAS it is expedient to consolidate and amend the law relating to the import, transport, storage, production refining and blending of petroleum, and other inflammable substances;

Short title, commencement and extent.

(1) This Act may be called the Mysore Petroleum

(2) It extends to the whole of Mysore

(3) It shall come into force on such date as the Government may by notification in the official Gazette appoint.

2. In this Act unless there is anything repugnant in the subject or context

(a) "petroleum" means any liquid hydrocarbon or mixture of hydrocarbons, and any inflammable mixture (liquid, viscous or solid) containing any liquid hydrocarbon;

(b) "dangerous petroleum" means petroleum having its flashing-point below seventy-six degrees Fahrenheit

(c) "flashing-point" of any petroleum means the lowest temperature at which it yields a vapour which will give a momentary flash when ignited, determined in accordance with the provisions of Chapter II and the rules made thereunder;

(d) "to transport" petroleum means to move petroleum from one place to another in Mysore;

(e) "to import" petroleum means to bring it into Mysore by land or air, otherwise than during the course of transport;

(f) "to store" petroleum means to keep it in any one place, but does not include any detention happening during the ordinary course of transport;

(g) "motor conveyance" means any vehicle or aircraft for the conveyance of human beings, animals or goods, by land or air, in which petroleum is used to generate the motive power.

(h) "prescribed" means prescribed by rules made under this Act.

13. Statement of principles of the Bill to further amend the Workmen's Compensation Act, 1928.

The SECRETARY to GOVERNMENT, LABOUR DEPARTMENT (Sri V. Vedavyasacharya) explained the statement of principles of the Bill as follows:--

Mr. P.S. CHELLAMPALAM had referred to the provision in respect of parties entitled to compensation in the case of death by accident and wanted that an exhaustive list of claimants for compensation should be prepared and appended so that in case the persons already mentioned in the Act were not living, at least distant relations would derive the benefit of the compensation payable. Secondly with regard to the persons authorised to award compensation he brought to notice that if officers with only magisterial experience were to award compensation full relief to the parties might not be available. He therefore wished that ~~the~~ the M/Commissioner should be defined as a person having either civil or both civil and magisterial experience.

STATEMENT OF GENERAL PRINCIPLES

The Mysore Workmens Compensation Act,1928 has been modelled very largely on the corresponding British Indian Ac of 1923. Amendments made to the British Indian Act from time to time have been considered and where necessary adopted in Mysore.

In 1937, 1938 and 1939 a number of amendments were made in British India. The present Bill seeks to incorporate these amendments in the Mysore Act. These amendments are intended to deal with a number of ambiguities and minor defect which have come to light in recent years in the course of the administration of the Act.

The more important of the changes sought to be effected now are indicated in the Notes on Clauses appended hereto.

NOTES ON CLAUSES.

Clause 2. The definition of 'dependant' has been enlarged to include a minor child of a deceased daughter where no parent of the child is alive.

Clause 3. The provision relating to the liability of an employer for compensation has been widened so as to render him liable to certain additional occupational diseases which have been added to the list of diseases in Schedule III.

Clauses 4 and 5. Clause 4 is intended to remove doubts as to whether a worker whose wages are paid otherwise than by the month or on a monthly basis can under any circumstances claim the benefits of the Act. A more formal definition of the expression 'monthly wages' is therefore proposed. A provision enabling a workman whose claim for compensation has been rejecte on the above ground to have the investigation of his claim reopened is also incorporated by clause 5.

Clause 6. The period within which notice of an accident o death has to be given to a Commissioner has been raised from six months from the date of the accident or death, to one year therefrom.

Under clause (a) of the proviso to this section (section

~~want of~~ notice is no bar to the maintenance of proceedings if employer had notice of the accident or death. In practice however, it been found that in some cases the real employer pleads ignora of the accident or death and escapes liability though other persons responsible to the employer in the business in which the empl me~~n~~t the accident or death may have notice. This defect is also sou to be removed.

Clause 10. The right to appear before a Commissioner o behalf of any party to proceedings before him is now ~~limited~~ unlimited and any person authorised by a party may do so. The proposed amendment seeks to limit this right to a legal practitioner or an official of an insurance company or with the permission of the Commissioner to any other person, authorised by a party.

Clause 11. Section 32.A of the Act limits the transfer of compensation to transfers between Mysore and British India o other Indian States. The present amendment permits not only transfers with all parts of His Majesty the King Emperor's dominions or other Indian States but also provides for the transfer of money prior to its distribution where the employer consents to such transfer.

Clause 12. Schedule II of the Act which gives a list of persons who are 'workmen' within the meaning of the Act ~~has be~~ is proposed considerably enlarged and ~~now~~ includes a number of new kinds of employment also.

Clause 13. Schedule III of the Act giving a list of occupational diseases is proposed to be widened and a number of new diseases ~~included~~ ~~are now~~ considered as occupational and giving a workman so affected ~~thereby~~ during his employment a right to compensation are added

The other changes are ~~verbal~~ of a minor nature.

A Bill further to amend the Workmen's Compensat Act, 1928.

WHEREAS it is expedient further to amend the Workmen's Compensation Act, 1928, for the purposes hereinafter.appearing:-

It is hereby enacted as follows:-

Short title.

1.This Act may be called the Workmen's Compens tion (amendment) Act, 194.....

Amendment of Sec.2,Act XIV of 1928.

2.In clause (d) of sub-section (1) of section of the Workmen's Compensation Act, 1928 (hereinaft referred to as the said Act)-

(a) in sub-clause (i) for the word "wife" th word "widow" shall be substituted;

(b) in sub-clause (ii),for the words "husban the word "widower" shall be substituted; and

(c) in sub-clause (iii),after the words, "a minor child of a deceased son", the words and comma "a minor child of a deceased daughter where no parent of the child is alive," shall be inserted.

Amendment of Sec.3, Act XIV of 1928.

3. In sub-section (2) of section 3 of the sai Act,--

(a) for the words beginning "If a workman" and ending "disease of anthrax" the following words shall be substituted, namely --

'If a workman employed in any employme specified in Part A of Schedule III contracts any disease specified there as an occupational disease peculiar t that employment;"

(b) after the words "any employment speci in the words "Part B of" shall be inserted; and

(c) at the end of the Explanation, the wo "in the same kind of employment" shall be added.

4. In section 5 of the said Act --

(a) for the words, "In this Act, month mean the wages of a workman by whatever peric

and shall be calculated" the following shall be substi tuted, namely --

'In this Act and for the purposes thereof the expre sion "monthly wages" means the amount of wages -- deemed to be payable for a month's service (whethe the wages are payable by the month or by whatever other period or at piece rates), and calculated";

(b) in clause (b), the words "deemed to be" shall be omitted.

Restoration of Proceedings.

5. Where in any Proceedings under the said Act ~~xxx~~-concluded ~~xxxxxx~~ after the 1st July 1934, any person has been found by a court not to be a workman within the meanin of that Act only by reason of the fact that his wages were payable otherwise than by the month or on a month basis, such finding such be void and of no effect; an the court shall, notwithstanding anything to the contr in the Mysore Limitation Act, 1911, ~~xx~~ or any other la for the time being in force, on application made withi six months from the commencement of this Act by any person prejudicially affected by such finding, restore the proceedings at, and continue the proceedings from, the stage reached immediately before the order embodyi or based on such finding was made.

5. After section 5 of the said Act the following ne section shall be inserted, namely --

"5A. Where ~~xx~~ in any proceedings under this Act ~~xxxx~~ concluded after the 1st July 1934, any person has been found by a court not to be a workman within the meaning of that Act only by reason of the fact that th wages were payable otherwise than by the month or on a monthly basis, such finding ~~such~~ such be void and of no eff and the court shall, notwithstanding anything to the contrary in the Mysore Limitation Act,1911, or any oth law for the time being in force, on application made within six months from ..... by any person prejudicially affected by such finding, restore the Proceedings at, and continue the Proceedings from, the stage reached immediately before the order embodying or based on such finding was made.

Amendment of section 10, Act XIV of 1928.

6. In section 10 of the said Act, --

(a) in sub-section (1)--

(1) for the words beginning "No Proceedings fo the recovery of compensation" and ending "within six months from the date of death" the following shall be substituted, namely,--

(Act. IX of 1923 s 5)

"No claim for compensation shall be entertained by a Commissioner unless notice of the accident has been given in the manner hereinafter provided as soon as practicable after the happening thereof and unless the claim is preferred before him within one year of the occurrence of the accident or, in case of death, within ~~the~~ one year from the date of death";

(2) in the second proviso--

(i) for the words "maintenance of proceedin the words "entertainment of a claim" shall be substituted;

(ii) in clause (a), for the word "made" the word "preferred" shall be substituted; and

(iii) in clause (b), after the words "employer" the words "or any one of several employers or any person responsible to the employer for the management of an branch of the trade or business in which the injure workman was employed" shall be inserted; and

(3) in the third proviso, for the word "admit" the word "entertain" shall be substituted and for th words "instituted" and "institute" respectively the words "preferred" and "prefer" shall be substituted and

(b) in sub-section (2) the word "directly" shall be omitted.

7 In sub-section (6) of section 11 of the said Act--

(a) for the words "if it is thereafter prove that the workman has not been regularly attended

a qualified medical practitioner and that such refu failure or disregard was unreasonable ,"the followin shall be substituted, namely--

"if it is proved that the workman has not there after been regularly attended by a qualifie medical practitioner or having been so attended has deliberately failed to follow his instructi and that such refusal, disregard or failure was unreasonable";

and

(b) after the words "qualified medical practitio where they occur for the last time, the words "whos instructions he had followed" shall be inserted.

8. In section 17 of the said Act, for the words a figures " a x certificate granted in respect of such person under section 7 xx or section 8 of the Mysor Factories Act, 1914" the words and figures "a valid certificate granted in respect of such prson under section 12 or section 52 of the Mysore Factories Ac 1936" shall be substituted.

Amendment of section 20, Act XIV of 1928.

9. In sub-section (2) of section 20 of the said A

(a) for the words "by any party to any proceedi pending before him that such matter" the words "tha any matter arising out of any proceedings pending b him" shall be substituted; and

(b) before the proviso the following proviso sh be inserted, namely--

"Provided that the Commissioner shall not whe any party to the proceedings has appeared bef him, make any order of transfer relating to t distribution among dependants of a $lump sum w out giving such party an opportunity of being heard:"

and in the existing proviso, after the word "Provid the word "further" shall be inserted.

10. In section 23 of the said Act, for the words "other xxxxx person authorised in writing

by such person" the following shall be substituted, namely,--

"by ~~an~~ a official of an Insurance Company ~~(or registered Trade Union)~~ authorised in writing by such person or, with the permission of the Commissioner by any other person so authorised."

Amendment of section ~~21~~ 32.A. Act XIV of 1928.

11. (1) Section ~~35~~ 32A of the said Act shall be renumbered as sub-section (1) of that section and in ~~this~~ the said section as so re-numbered--

(a) for the words "to any part of British India or other States in India" the words "to any part of His Majesty the King Emperor's Dominions or any State in India" shall be substituted;

(b) for the words "paid to" the words "deposited h" shall be substituted;

(c) for the words "for the benefit of" when they ur for the first time, the words "which has been rded to or may be due to" shall be substituted;

(d) after the words "in any such part", wher~~ever~~ they occur the words "or State" shall be inserted;

(e) after the word "receipt" the word "distribution" shall be inserted;

(f) for the word "awarded" the word "~~deposi~~ deposited" shall be substituted; and

(g) for the words "and applicable for the benefit of "the words "which has been awarded to or may be due to" shall be substituted.

(2) To the said section as so renumbered, the following proviso shall be added namely,--

"Provided that no sum deposited under this Act in respect of fatal accidents shall be so transferred without the consent of the employer concerned until the Commissioner receiving the sum has passed order determining its distribution and apportionment under the provisions of sub-sections (4) and (5) of section 8".

(3) After the said section as so renumbered the following sub-section shall be added, namely--

"(2) Where money deposited with a Commissioner has been so transferred in accordance with the rules made under this section, the provisions ~~elsewhere~~ elsewhere contained in this Act regarding distribution by the Commissioner of compensation deposited with him shall cease to apply in respect of any such money".

12. In schedule II to the said Act,--

(a) in clause (i) for the words "mechanically propelled vehicles" the words "a lift or a vehicle propelled by steam or other mechanical power or by electricity and" shall be substituted;

(b) in clause (i i) for the words, brackets and figures, "clause (2) of section 2 of the Mysore Factories Act, 1914" the words, brackets, letter and figures, "clause (9) of section 2 of the Mysore Factories Act, 1936" shall be substituted;

(c) after clause (xviii) the following clauses shall be inserted, namely--

"(XIX) employed in the tapping of palm trees or the felling or logging of trees, or the transport of timber by ~~xxxxx~~ inland waters, or the control or extinguishing of forest fires; or

(xx) employed in operations for the catching or hunting of elephants or other wild animals; or"

and

(d) the existing clause (x x) shall be renumbered as clause (xxi) and after that clause as so renumbered the following word and clauses shall be inserted, namely--

"or

(xxii) employed in the handling or transport of goods in, or within the precints of,--

(a) any warehouse or other place in which goods are stored and in which on any one day of the preceding

twelve months ten or more persons have been so employed or

(b) any market in which on any one day of the preceding twelve months one hundred or more persons have been so employed; or

(xxiii) employed in any occupation involving the handling and manipultion of radium or X-Rays apparatus, or contact with radio-active substances."

Amendment of schedule III, Act XIV of 1928.

12. In schedule III to the said Act, --

(a) before the entry relating to lead poisoning and its sequelae, the following shall be inserted, namely:-

"Part A.

Anthrax	Any employment-- (a) involving the handling of wool hair, bristles or animal carcases or parts of such carcases, including hides, hoof and horns; or (b) in connection with animals infected with anthrax; or (c) involving the loading, unloading, or transport of any merchandise.
Compressed air illness or its sequelae	Any process carried on in compressed air.
Poisoning by lead tetraethyl.	Any process involving the use of lead tetraethyl.
Poisoning by nitrous fumes.	Any process involving exposure to nitrous fumes.

Part B".;

(b) in the entry relating to lead poisoning or its sequelae, to the words in the first column the words "excluding poisoning by lead tetra-ethyl" shall be added and for the words "or its preparations or compounds" in the second column the words " or any of its preparation or compounds except lead tetra-ethyle" shall be substituted; and

(c) for the existing entry relating to compressed air illness or its sequelae the following entries shall be substituted, namely:-

"Arsenical poinsoning or its sequelae.	Any process involving the production, liberation or utilisation of arsenic or its compounds.
Pathological manifestations due to--	Any process involving exposure to the action of radium, radioactive substances, or X-rays.
(a) radium and other radioacitve substances;	
(b) X-rays.	
Primary epitheliomatous cancer of the skin.	Any process involving the handling or use of tar, pitch, bitumen, mineral oil, paraffin, or the compounds, products or residues of these substances."

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

R. Dis. No. F. 283 -38
R.O. I

GEN. & REVENUE DEVELOPMENT BRANCH.

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Development Department.

Dated Bangalore, 2nd ~~March~~ April *1938.*

Amendment of section 32A of the Mysore Workmen's Compensation Act (XIV of 1928).

Ind. 305-31-1

SIR,

I am directed to enclose a copy of the Workmen's Compensation (Amendment) Act, 1937, (VII of 1937) making certain amendments to section 35 of the Workmen's Compensation Act, 1923.

2. The new section 32A of the Mysore Workmen's Compensation Act (XIV of 1928) limits the transfer of compensation to transfers between Mysore State and British India or other Indian States. Section 35 of the British India Act permits not only transfers with all parts of His Majesty's Dominions and other countries, but as a result of the Amendment Act, referred to in paragraph 1, also provides for the transfer of money prior to its distribution where the employer consents to such transfer. I am to suggest that if and when an opportunity presents itself, section 32A of the Mysore Act may kindly be amended so as to permit transfer at least with all parts of His Majesty's Dominions (which will include Burma) and so as to provide for transfer before distribution. The Government of India have issued a special set of rules (copy enclosed) under section 35 of the British India Act with a view to providing for the latter in respect of transfers with Burma, whose Workmen's Compensation

of British India, and this set of rules could be followed with advantage in the case of transfer between Mysore and British India as well as between Mysore and other parts of His Majesty's Dominions.

I have the honour to be,

Sir,

Your most obedient servant,

SECRETARY TO THE RESIDENT.

[AS PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor Gen on the 4th March 1937)

An
Act

Further to amend the Workmen's Compensation Act, 1923, for a certain purpose.

VIII of 1923. WHEREAS it is expedient further to amend the Workmen's Compensation Act, 1923, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Workmen's Compensation (Amendment) Act, 1937.

Amendment section 35, Act VIII of 1923. VIII of 1923. **2.** (*1*) Section 35 of the Workmen's Compensation Act, 1923, shall be re-numbered as sub-section (*1*) of that section and in the said section as so re-numbered—

(*a*) for the words "paid to" the words "deposited with" shall be substituted;

(*b*) for the words "for the benefit of", where they occur for the first time, the words "which has been awarded to or may be due to" shall be substituted;

(*c*) after the word "receipt" the word ", distribution" shall be inserted;

(*d*) for the word "awarded" the word "deposited" shall be substituted; and

(*e*) for the words "and applicable for the benefit of" the words "which has been awarded to or may be due to" shall be substituted.

(*2*) To the said section as so re-numbered the following proviso shall be added, namely:—

"Provided that no sum deposited under this Act in respect of fatal accidents shall be so transferred without the consent of the employer concerned until the Commissioner receiving the sum has passed orders determining its distribution and apportionment under the provisions of sub-sections (*4*) and (*5*) of section 8."

(*3*) After the said section as so re-numbered the following sub-section shall be added, namely:—

"(*2*) Where money deposited with a Commissioner has been so transferred in accordance with the rules made under this section, the provisions elsewhere contained in this Act regarding distribution by the Commissioner of compensation deposited with him shall cease to apply in respect of any such money."

DEPARTMENT OF LABOUR.

NOTIFICATION.

New Delhi, the 19th February 1938.

No. L.-3033.—In exercise of the powers conferred by section 35 of the Workmen's Compensation Act, 1923 (VIII of 1923), the Central Government is pleased to make the following rules for the transfer to Burma of money deposited with a Commissioner under the Act, which has been awarded to or may be due to any person residing or about to reside in Burma, and for the receipt, distribution and administration in British India of any money deposited under the law relating to workmen's compensation in Burma, which has been awarded to or may be due to any person residing or about to reside in British India, namely:—

RULES.

PART I.—INTRODUCTORY.

1. (1) These rules may be called the Workmen's Compensation (Transfer of Money, Burma) Rules, 1938.

(2) The Workmen's Compensation (Transfer of Money) Rules, 1935, shall cease to be applicable to transfers of money from India to Burma or from Burma to India.

2. In these rules, unless there is anything repugnant in the subject or context

(*a*) "authorised officer" means an authorised officer appointed by the Provincial Government under the Workmen's Compensation (Transfer of Money) Rules, 1935.

(*b*) "section" means a section of the Workmen's Compensation Act, 1923 (VIII of 1923).

(*c*) "transferring authority" means the authority in Burma who transfers or causes to be transferred any lump sum deposited under the law relating to Workmen's Compensation in Burma as compensation awarded to or due to any person residing or about to reside in British India.

3. When any sum is transmitted by an authority in British India to any other authority in accordance with these rules, the costs of such transmission may be deducted from the sum so transmitted.

PART II.—TRANSFERS TO BURMA: FATAL ACCIDENTS.

4. When compensation has been deposited with a Commissioner in respect of a workman, whose injury has resulted in death, and it appears to the Commissioner after proceeding under sub-section (4) of section 8, that all persons with a *prima facie* claim to payment as dependants are residing or are about to reside in Burma, he shall cause a notice to be sent to the employer concerned asking him to state whether he consents to the transfer of the sum so deposited to Burma before the Commissioner has passed orders determining its distribution and apportionment in accordance with the provisions of the Act

5. Where the consent of the employer to such transfer is withheld, the Commissioner shall proceed in accordance with sub-section (5) of section 8 and, thereafter, may dispose of the sum in accordance with rules 11, 12 and 13.

6. Where the employer has communicated his consent to such transfer, the Commissioner may order the transfer of the sum to Burma.

7. When the Commissioner has ordered the transfer of any sum under rule 6, he shall cause to be prepared and shall certify under his hand a memorandum containing a brief statement of the facts of the case, of the orders passed upon it and of the names and addresses of any persons who appear to him to have a *prima facie* claim to payment as dependants.

8. If the Commissioner is not himself the authorised officer he shall forward the memorandum in duplicate to the authorised officer, but shall retain the sum to which it relates until he receives the directions of the authorised officer. If the Commissioner is himself the authorised officer he shall proceed as provided in rule 9.

9. The authorised officer, after satisfying himself that the memorandum is complete, shall forward it, and in cases where this is necessary direct the Commissioner to forward the sum to which it relates by remittance transfer receipt, or, if the amount involved is less than Rs. 25, by money order, to the appropriate authority appointed in this behalf in Burma and shall at the same time request the authority addressed

(*a*) to arrange for distribution and administration of the sum remitted; and

(*b*) to furnish him with a report of the action taken upon the memorandum and return any sum the payment of which is for any reason impossible.

10. (1) The authorised officer shall, if he is not the Commissioner with whom the matter originated, forward to such Commissioner a copy of any report received in response to a request made under rule 9.

(2) Any sum returned in accordance with rule 9 shall be disposed of in accordance with the Act.

PART III.—TRANSFERS TO BURMA: NON-FATAL ACCIDENTS.

11. When compensation has been deposited with a Commissioner in cases other than those mentioned in rule 4, and the whole or any part of it is payable to a person residing or about to reside in Burma, the Commissioner may order the transfer to that country of the whole or any part of the sum so payable.

12. When the Commissioner has ordered the transfer of any sum under rule 11, he shall cause to be prepared and shall certify under his hand a memorandum containing a brief statement of the facts of the case, of the orders passed upon it and of the name and address of each person to whom payment is to be made.

13. If the Commissioner is not himself the authorised officer he shall forward the memorandum in duplicate to the authorised officer, but shall retain the sum to which it relates until he receives the directions of the authorised officer. If the Commissioner is himself the authorised officer, he shall proceed as provided in the rule next following and rule 10.

14. The authorised officer, after satisfying himself that the memorandum is complete, shall forward it, and direct the Commissioner to forward the sum to which it relates by remittance transfer receipt, or, if the amount involved is less than Rs. 25, by money order, to the appropriate authority appointed in this behalf in Burma and shall at the same time request the authority addressed

to arrange for payment to be made in accordance with the directions contained in the memorandum; and

to furnish him with a report of the action taken upon the memorandum and return any sum the payment of which is for any reason impossible.

15. (1) The authorised officer shall be the proper authority to receive moneys from the transferring authority

(2) If any Commissioner or other Government servant, not being the authorised officer, receives any sum from the transferring authority he shall either forward such sum, together with any papers relating thereto, to the authorised officer for disposal or obtain the instructions of the authorized officer as to the disposal of the sum and papers and act in accordance with his instructions.

16. If the money received has been awarded to be paid to a specified person or persons, the authorized officer may himself dispose of such sums, or part of such sums, which he receives or of which he assumes control under rule 15 or may send it, or any part of it, in accordance with rule 21 for disposal to such Commissioner or Commissioners as he considers proper.

17. If the transferring authority requests that proceedings for distribution should be conducted, the authorized officer shall, if he is not himself the Commissioner, send the sum with any connected documents to such Commissioner or Commissioners as he considers proper for distribution and disposal

18. All sums received from the transferring authority shall be disposed of, and all proceedings conducted, as far as possible, in accordance with the provisions of the Workmen's Compensation Act, 1923, and the rules made under the said Act for the area where the Commissioner exercises jurisdiction, provided that the directions, if any, received from the transferring authority as to the manner in which the sum should be administered shall be complied with.

19. (1) The authorized officer shall forward to the transferring authority a report showing how the sum received from him has been disposed of.

(2) Any Commissioner not being the authorised officer, who has disposed of any part of the sum, shall make a report in duplicate as to the disposal of that part to the authorized officer, and, if the sum was received by him from another such Commissioner acting in accordance with section 21, shall forward his report through that Commissioner

20. Any part of the sum received from the transferring authority which shall have remained undisbursed after the completion of the proceedings shall be returned to the transferring authority by, or under the direction of, the authorized officer

21. Money transmitted by any authority in British India to any other authority in British India in accordance with these rules shall be transmitted by remittance transfer receipt, or, if the amount involved is less than Rs. 25, by money order.

A. G. CLOW.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 28th April 1938.

295

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Development Department.

To

The Director of Industries and Commerce in Mysore,
Bangalore.

Sir,

I am directed to forward herewith a copy of the Residency letter No.R.Dis. F.283-38/R.O.I. dated 2nd April 1938 with the marginally noted enclosures in original (to be returned with the reply) suggesting certain amendments to Section 32A of the Workmen's Compensation Act (XIV of 1928 as amended by Act III of 193[illegible] and to request you kindly to furnish Government with your opinion regarding the adoption of ~~varied~~ revised rules under the British Indian Act and if necessary to suggest draft amendments to the Workmen's Compensation Act, Mysore for the consideration of Government.

1. Act No.VII of 1937 of the Government of India.
2. Copy of Notification No.L.3033 dated 19th February 1938, Department of Labour rules under section 35 of the Workmen's Compensation Act VIII of 1923 (Transfer of money rules) of the Government of India.

I have the honour to be,
Sir,
Your most obedient servant,

Secretary to Government,
Development Department.

Appendix F G—1]

SUBJECT .....

.....

.....

Section 92c

File No. 305-37

Serial No. 2

Diary No. of letter replied to.....

No. D 8366
Secy

To The Director of Ste

Sir

General and Revenue Secretariat

( )

the *193*

I am directed to forward herewith a copy of the Resident's letter No. Res 7.283-38/RO.1 dated 2nd April 1938 with the marginally noted enclosures in original (for return with the reply) suggesting certain amendments to Sec 32A of the W.C. Act (XIV of 1923) as amended by Act III of 1936) and to request you kindly to furnish Govt with your opinion regarding the advisability of making such amendments in the Act and if necessary to,

Date of issue..... 29-4-38

Signed by .....

Act No VII of 1937 of the Govt of India.

Copy of notification No. L. 3033 dt 19.2.38. Deptt of Labour rules under Sec 35 of the W.C. Act VIII of 1923. (Transfer of Money rules). of the Govt of India.

List of enclosures.....

Copied by .....

Examined by.....

WD 0521—GPB—30,000—12-3-37

draft Amendments to Town Act, Magis-
~~Supported Measures~~ for the
Consideration of Govt

Thave etc

1C8/25
H Dewdney

Tele { Phone No.—2004.
Grams—INDUSCOM.

In reply please quote number, date & short title

GOVERNMENT OF MYSORE 7170

DEPARTMENT OF INDUSTRIES AND COMMERCE.

FROM (Name) M.S.Ramchendra Rao, Esq., B.A.,

(Designation) Director of Industries & Commerce in Mysore, & Commissioner for Workmen's Compensation, Bangalore city

Station Bangalore.

To

M.Venkatanaranappa, Esq., B.A.,
Secretary to the Government of Mysore,
Development Department,
Bangalore.

GEN. & REVENUE SECRETARIAT. DEVELOPMENT BRANCH

No. F1/290/35-36.

Enclosures.....five.

Dated 20th June 1938.

SIR,

Amendment of section 32 (A) of the Mysore Workmen's Compensation Act XIV of 1928 as amended by Act III of 1936.

With reference to your letter No.D.8366/I&C. dated 28th/29th April 1938 on the above subject, I have the honor to forward herewith draft amendments to Section 32A of the Workmen's Compensation Act and draft rules under the section. These are based on the revised Government of India Rules of 1938 and they may be adopted here also.

2. In this connection I have to bring to the notice of Government that the British Indian Act has been further amended in 1938 by Act IX of 1938 and it is desirable that our Act should also be amended to be in conformity with it. I am enclosing draft amendments to further amend our Act to bring it into conformity with the British Indian Act as amended by Act IX of 1938.

3. I suggest that our Act may also be amended incoporating the amendments made in British India Act.

The enclosures received with your letter under advertance are returned herewith.

I have the honor to be,
S i r,
Your most obedient servant,

M Ramchendra

GOVERNMENT OF MYSORE

DEPARTMENT OF INDUSTRIES AND COMMERCE.

In reply, please quote number, date & short title

From (Name) M.S. Ramchandra Rao, Esq., B.A.,

(Designation) Director of Industries & Commerce in Mysore.
Commissioner for Workman's Compensation, Bangalore.
Station

To M.Venkatramanappa, Esq., B.A.,
Secretary to the Government of Mysore,
Development Department,
Bangalore.

No. FI/290/35-36.

Enclosures.....Nil.

Dated 30thJune 1938.

.....

Sir,

Amendment of section 32 (A) of the Mysore
Compensation Act XIV of 1928 as amer
III of 1936.

With reference to your letter No.D.8956/126. date
April 1938 on the above subject, I have the honor to
with draft amendments to Section 32A of the Workmen's
Act and draft rules under the section. These are based
revised Government of India Rules of 1938 and they may
ters also.

2. In this connection I have to bring to the notic
...ment that the British Indian Act has been further
in 1938 by Act IX of 1938 and it is desirable that out
also be amended to be in conformity with it. I am enclo
draft amendments to further amend our Act to bring it in
formity with the British Indian Act as amended by Act I

Bill to further amend the Mysore Workmen's Compensation Act of 1928 as amended by Act 1936.

Where as it is expedient to further to amend the Mysore Workmen's Compensation Act of 1928 (as amended by Act III of 1936 and XIX of 1939) for the purpose herein after appearing; it is hereby enacted as follows:-

1. This Act may be called the Mysore Workmen's Compensation (Amendment) Act of 1940.

2.(1) Section 32 A of the Workmen's Compensation Act of 1928 (as amended by Act of 1936 and 1939) shall be renumbered as subsection (1) of that section and in the said section as so renumbered:-

"(a) for the words " paid to " the words "deposited with" shall be substituted.

(b) for the words 'for the benefit of' where they occur for the first time the words 'which has been awarded to or may be due to' shall be substituted;

(c) after the words 'receipts' the word 'distribution' shall be inserted

(d) for the word "awarded" the word "deposited" shall be substituted, and

(e) for the words "and applicable for the benefits of" the words "which has been awarded or may be due to" shall be substituted. "

(2) To the said section as so re-numbered the following also shall be added namely:- "provided that no sum deposited under this Act in respect of ~~total~~ fatal accidents shall be so transferred without the consent of the employer concerned until the Commissioner receiving the sum has passed orders determining its distribution and apportionments under the provisions of sub sections (4) and (5) of section 8.

(3) After the said section as so renumbered the following subsection shall be added namely:-

"(2) where money deposited with a Commissioner has been so transferred in accordance with the

the rules made under this section, the provisions elsewhere contained in this Act regarding distributing by the Commissioner of Compensation deposited with him shall ~~leave~~ to apply in respect of any such money.

---ooo---

Director.

3. Here enter columns 1 + 2 in ftk. (2 amendments)

GOVERNMENT OF MYSORE.

Notification.

No.....Dated.....

In exercise of the powers conferred by section 32 A. of the Mysore Workmen's Compensation Act of 1928 as amended by Act III of 1936, the Government of His Highness the Maharaja of Mysore are pleased to make the following rules for the transfer of money to any parts of His Majesty's Dominions or to any other State or Country, of money deposited with a Commissioner under the Act which has been awarded to or may be due to any person residing or about to reside in any parts of His Majesty's Dominions ~~in~~ or in any other State or Country and for the receipts, distribution and administration in Mysore State of any money deposited under the law relating to Workmen's Compensation in His Majesty's Dominions or any other State or Country which has been awarded to or may be due to any person residing or about to reside in Mysore State.

RULES.

Part I - Introductory.

1. (1) These ~~one~~ rules may be called the Workmen's Compensation (Transfer of money) Rules - 1938

(2) The Workmen's Compensation (Transfer of money) Rules of 1937 is hereby repealed.

2. In these rules unless there is anything repugnents in the subjects or contexts.

(a) "Authorised officer means any officer whom Government may designate either generally or in respect of any area or class of cases for the purpose of performing the functions assigned by these rules to the authorised officer.

(b) Section means section of the Workmen's Compensation Act of 1928 as amended by Act III of 1936.

(c) Transferring authority means the authority in any part of His Majesty's Dominion or any other State or Country who transfers or causes to be

be transferred any lump sum deposited under the Law relating to Workmen's Compensation as compensation awarded to or due to any person residing or about to reside in Mysore State.

3. When any sum is transmitted by an authority in Mysore State to any other authority in accordance with these rules, the cost of such transmission may be deducted from the sum so transmitted.

PART II.

Transfer to His Majesty's Dominions, or any other State or Country

4. When Compensation has been deposited with a Commissioner in respect of a workman, whose injury has resulted in death, and it appears to the Commissioner after proceeding under ~~rule~~ Sub Section 4 of section 8 that all persons with a prima facie claim to payment as dependents are residing or about to reside in any part of His Majesty's Dominions, or any other State or Country, he shall cause a notice to be sent to the employer concerned asking him to state whether he consents to the transfer of the sum so deposited to the place where the dependants of the injured are living before the Commissioner has passed orders determining its distribution and apportionment in accordance with the provisions of the Act.

5. Where the consent of the employer to such transfer is withheld, the Commissioner shall proceed in accordance with sub section (5) of section 8 and there after may dispose of the sum in accordance with rules 11, 12 and 13.

6. Where the employer has communicated his consent to such transfer, the Commissioner may order the transfer of the sum to that part of His Majesty's Dominions or any other State or Country in which the dependants of the deceased are living.

7. When the Commissioner has ordered the transfer of any sum under Rule 6, he shall cause to be prepared and shall certify under his hand a memorandum containing a brief statement of the facts of the case, of the orders passed upon it and of the names and addresses of any persons who appear to him to have a prema facie claim to payment as dependants.

8. If the Commissioner ~~hemself~~ is not himself the authorised officer he shall forward the memorandum in duplicate, to the authorised officer but shall retain the sum to which it relates until he receives the directions of the authorised officer. If the Commissioner himself is the authorised officer he shall proceed as provided in rule 9.

9. The authorised Officer after satisfying hemself that the memorandum is complete, shall forward it, and in cases where this is necessary direct the Commissioner to forward the sum to which it relates by ~~R.T.R.~~ Remittance Transfer Receipt or if the amounts involved is less than ~~xhan~~ Rs.25/- by Money Order, to the appropriate authority appointed in this behalf in His Majesty's Dominions or any other State or Country and shall at the same time request the authority addressed.

(a) to arrange for distribution and administration of the sum remitted; and

(b) to furnish him with a report of the action taken upon the memorandum and return any sum the payment of which is for any reason impossible.

10. (1) The authorised officer shall, if he is not the Commissioner with whom the matter orginated, forward to such Commissioner a copy of any report received in response to a request made under Rule 9.

(2) Any sum returned in accordance with rule 9 shall be disposed of in accordance with the act.

PART III

Transfers - Non Fatal accidents

11. When compensation has been deposited with a Commissioner in cases other than those mentioned in rule 4 and the whole or any part of it is payable to a person residing or about to reside in any part of His Majesty's Dominions or any other state or country the Commissioner may order the transfer to that ~~part or State or~~ country of the whole or any part of the sum so payable.

12. When the Commissioner has ordered the transfer of any sum under rule 11, he shall cause to be prepared and shall certify under his hand a memorandum containing a brief statement of the facts of the case, of the orders passed upon it and of the name and address of each person to whom payment is to be made.

13. If the Commissioner is not himself the authorised officer he shall forward the memorandum in duplicate to the authorised officer but shall retain the sum to which it relates until he receives the directions of the authorised officer. If the Commissioner is himself the authorised officer, he shall proceed as provided in the rule next following and rule 10.

14. The authorised officer, after satisfying himself that the memorandum is complete shall forward it, and direct the Commissioner to forward the sum to which it relates by remittance transfer receipt or if the amount involved is less than Rs.25/- by Money Order, to the appropriate authority appointed in this behalf in His Majesty's Dominions or any other State or Country and at the same time request the authority addressed:-

(a) to arrange for payment to be made in accordance with the directions contained in the memorandum and

(b) to furnish him with a report on the action taken upon the memorandum and return any sum the payment of which is for any reason impossible.

PART IV
Transfers from His Majesty's Dominions, or any other State or Country.

15. (1) The authorised officer shall be the proper authority to receive moneys from the transferring authorit

(2) If any Commissioner or other Government Servant not being the authorised officer, receives any sum from the transferring authority he shall either forward such sum, together with any papers relating thereto, to the authorised officer for disposal or obtain the instructions of the authorised officer as to the disposal of the sum an papers and act in accordance with his instructions.

16. If the money received has been awarded to be paid to a specified person or persons, the authorised officer himself dispose of such sums or part of such sums, which he receives or of which he assumes control under rule 15 o may send it or any part of it, in accordance with rule 21 for disposal to such Commissioner or Commissioners as he considers proper.

17. If the transferring authority requests that proceed ings for distribution should be conducted, the authorised officer shall, if he is not himself the Commissioner, send th sum with any connected documents to such Commissioner or Commissioners as he considers proper for distribution and disposals.

18. All sums received from the transferring authority shall be disposed of, and all proceedings conducted, as far a possible, in accordance with the provisions of the Workme Compensation Act of 1928 as amended by Act III of 1936 a

and the rules made under the said act for the area where the Commissioner exercises jurisdiction provided that the directions, if any, received from the transferring authority as to the manner in which the sum should be administered shall be complied with.

19.(1) The authorised officer shall forward to the transferring authority a report showing how the sum received from him has been disposed of.

(2) Any Commissioner, not being the authorised officer who has disposed of any part of the sum, shall make a report in duplicate as to the disposal of that part to the authorised officer, and, if the sum was received by him from another such Commissioner acting in accordance with Section 21, shall forward his report through that Commissioner.

20. Any part of the sum received from the transferring authority which shall have remained undisbursed after the completion of the proceedings shall be returned to the transferring authority by, or under the direction of, the authorised officer.

21. Money transmitted by any authority in Mysore State to any other authority in Mysore State, in accordanc with these rules shall be transmitted by ~~R.T.R~~ Remittance Transfer Receipt or if the amount involved is less than Rs.25/-, by Money Order.

M Ramachandra
2/6/38

Commissioner for Workmen's
Compensation in Mysore, Bangalore.

Draft amendments to the Workmen's Compensation Act No.XIV of 1928 as amended by Act of 1936.

Existing Section.	Ammendments suggested.	Section as amended.
(d)"dependent" means any of the following relatives of a deceased workman, namely (i) a wife, a minor legitimate son, a minor adopted son, and unmarried legitimate daughter or a widowed mother, and (ii) if wholly or in part dependent on the earnings of the workman at the time of his death, a husband, a parent other than widowed mother, a minor illegitimate son, an unmarried illegitimate daughter, a daughter legitimate, or illegitimate if married, and a minor or if wodowed, a minor brother, an unmarried or widowed sister, a widowed daughter in-law, a minor child of a deceased son or where no parent of the workman is alive, a paternal grand parent"	In sub clause (i) for the word"wife" the word "widow" shall be substituted. In sub clause(ii) for the word "husband" the word"widower" shall be substituted. After the words " a minor child of a deceased son" the words and comma " a minor child of a deceased daughter where no parent of the child is alive", shall be substituted.	(d)"dependant" means any of the following relatives of a deceased workmen (i) a widow, a minor legitimate son a minor adopted son, and unmarried legitimate daughter or a widowed mother, and (ii) If wholly or in part dependent on the earnings of the workman at the time of his death, widower, a parent other than a widowed mother, a minor illegitimate son, an unmarried illegitimate daughter, a daughter legitimate, or illegitimate if married and minor or if widowed a minor brother an unmarried or widowed sister, a widowed daughter in-law, a minor child of a deceased son, a minor child of a deceased daughter where no parent of the child is alive, or where no parent the workman, a paternal grand parent
If a workman employed many employments involving the handling of wool, hair, bristles, hides or skin contracts the decease of anthrax or if a workman whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months in any employment specified in Schedule III contracts any decease specified therein as occupational disease peculiar to that employment, the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section and unless the employer proves the contrary the accident shall be deemed to have arisen out of and in the course of the employment.	For the words beginning "If a workman" and ending "disease of Anthrax" the following words shall be substituted "If a workman employed in any employments specified in part A of Schedule III contracts any disease specified therein as an occupational disease peculiar to that employments. after the words "any employments specified in" the words "part B of" shall be inserted.	If a workman employed in any employments specified in part A of Schedule III contracts any disease specified therein as an occupational disease peculiar to that employments or if a workman whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months in many employments specified in part B in Schedule III contracts any disease specified therein as occupational disease peculiar to that employment the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section and unless the employer proves the contrary the accident shall be deemed to have

No proceedings for the recovery of compensation shall be maintainable before a commissioner unless the notice of the accident has been given, in the manner herein after provided, as soon as practicable after the happening there of and before the workman has voluntarily left the employment in which he has injured, and unless the claim for compensation with respect to such accident has been instituted, within six months ~~from the date of the accident or in the case of death within 6 months from the death. Provided that~~ ..... further .... by the decease Provided further that the want of or any defect or irregularity in a notice shall not be a bar to the maintenance of proceedings:

(a) If the claim is made in respect of the death of a workman resulting from an accident which occured in the premises of the employer, or at any place where the workman at the time of the accident was working under the control of the employer or of any person employed by him and the workman died on such premises ~~belonging to the employer~~ or died without having left the vicinity of the premises or place where the accident occured

For the words beginning "No proceedings for the recovery of compensation and ending" within six months from the date of death the following shall be substituted namely:
"No claim for compensation shall be entertained by a Commissioner unless notice of accident has been given in the manner hereinafter provided as soon as practicable, after the happening there of and unless the claim is preferred before him within one year of the occurance of the accident or in case of death within one year from the date of death.

In the proviso, the words "maintenance of proceedings" the words entertainment of a claim shall be substituted.

In the Clause A

For the word "made" the word "preferred" shall be substituted.

explanation. For the purposes of this section a period of service shall be deemed to be continuous which has not included a period of service under any other employer in the same kind of employment.

No claim for compensation shall be entertained by a Commissioner unless the notice of accident has been given in the manner hereafter provided as soon as practicable after the happening thereof and unless the claim is preferred before him within one year of the occurance of the accidents or in case of death within one year from the date of death.

Provided further that the want of any defect or irregularity in a notice shall not be bar to the entertainment of a claim.

If the claim is preferred in respect of the death of a workman resulting from an accident which occurred in the premises of the employer or at any place where the workman at the time of the accident was working under the control of the employer or of any person employed by him and the workman died on such premises belonging to the employer died without having left the vicinity of the premises or place where the

(b) If the employer had knowge of the accidents from any other rce at or about the time when it ured. Provided that where the idents is the contracting of a dis- branch e in respect of which the provins of sub-section(2) of Sec.3 are licable, the accidents shall be In med to have occurred on the first the days during which the workman continuously absent from work in sequence of the disablement caus- by the disease.

After the word 'employer' the words "or any one of several empl - yers or any person responsible to the employer for the management of any ~~tract~~ of the trade or business in which the injured workman was employed", shall be ~~substituted~~. Inserted

(4) If the employer or any one of several employers or any person responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed, had knowledge of the accident from any other source at or about the time when it occurred. Provided that where the accident is the contracting etc., disease in respect of which the provisions of sub sec(2) of Sec.3 are applicable, the accident shall be deemed to have occurred on the first In of the days during which the workman was continuously absent from work in consequence of the disablement caused by the disease.

In the third proviso

For the word "admit" the word "entertain" shall be substituted and for the words "instituted and Institute" respectively the words "preferred" and "prefer" shall be substituted.

Provided further, that the Comioner may admit and decide any m to compensation in any case withstanding that the notice has been given or the claim has not instituted in due time as prod in the sub section if he is sfied that the failure so to give notice or institute the claim, he case may be, was due to sufnt cause.

Provided further that the Commissioner may entertain and decide any claim to compensation in any case not withstanding that the notice has not been given or the claim has not been preferred in due time as provided in this sub section, if he is satisfied that the failure so to give the notice or prefer the claim, as the case may be, was due to sufficient cause.

In Sub Section (2)

The word "directly" shall be omitted.

Every such notice shall give the and address of the person injured shall state in ordinary language cause of the injury and the date ich the accident happened and be served on the employer or any one of several employers, or any person directly responsible e employer for the management of ranch of the trade, or business

Every such notice shall give the name and address of the person injure and shall state in ordinary language the cause of the injury and the date on which the accident happened and shall be served on the employer or up any one of several employers or upon any person responsible to the employe for the management of any branch of t

refused to be attened by a qualified Medical Practitioner whose services have been offered to him by the employer free of charge, or having accepted such offer has deliberately disregarded the instructions of such Medical Practitioner, then, if it is thereafter proved that the workman has not been regularly attended by a qualified Medical Practitioner and that such refusal failure on disregard was unreasonable in the circumstances of the case and that the injury has been aggravated thereby, the injury and resulting disablement shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the workman had been regularly attended by a qualified Medical Practitioner, and compensation if any, shall be payable accordingly.

Where any question arises as to the age of ape person injured by accident arising out of and in the course of his employment in a factory, a certificate granted in respect of such person under Sec.7 or Sec.8 of the Mysore Factories Regulation 1914, before the occurance of the injury shall be conclusive proof of the age of such person

If a Commissioner is satisfied by any party to any proceedings under this Regulation pending before him that subh matter can be most conveniently dealt with by any other Commissioner, he may subject to rules made under this regulation, order such matters to be transferred to such other Commissioner either for report or for

after proved that the workman has not been regularly attended by a qualified Medical Practitioner and that such refusal, failure or disregard was unreasonable" the following shall be substituted, namely:-

'If it is proved that the workman has not thereafter been regularly attended by a qualified Medical Practitioner or having been so attended he deliberately failed to follow his instructions and that such refusal disregard or failure was unreasonable.'

After the words"qualified Medical Practitioner" where they occur for the last time, the words"whose instructions he had followed" shall be inserted.

For the words and figures"a certificate granted in respect of such person under Sec.7 or 8 of the Mysore Factories Regulation 1914" the words and figures" a valid certificate granted in respect of such person under section 12 or section 52 of the Mysore Factories Act 1936 shall be substituted.

For the words"by any party to any proceedings pending before him that such matter" the words "that any matter arising out of any proceedings pending before him shall be substituted.

Where an injured workman has refused to be attended by a qualified Medical Practitioner whose services have been offered to him by the employer free of charge or having accepted such offer has deliberately disregarded the instructions of such Medical Practitioner, then, if it is proved that the workman has not thereafter seen regularly attended by a qualified Medical Practitioner or having been so attended has deliberately failed to follow his instructions and that such refusal disregard or failure was unreasonable in the circumstances of the case and that the injury has been aggravated thereby, the injury and resulting disablement shall be deemed to be the same nature and duration as they might reasonably have been accepted to be if the workman had been regularly attended by a qualified Medical Practitioner whose instructions he had followed and compensation if any shall be payable accordingly.

Where any question arises as to the age of a person injured by accident arising out of and in the course of his employment in a factory, a valid certificate granted in respect of such person under Sec.12 or Sec.52 of the Mysore Factories Act 1936, before the occurance of the injury shall be conclusive proof of the age of such person.

If a Commissioner is satisfied that any matter arising out of any proceedings, pending before him can be more conveniently dealt with by any other Commissioner he may subject to rules made under this ~~Regulation~~ order such matter to be transferred to such other Commissioner either for report or for disposal and if he do

for disposal, and, if he does so shall forth with transmit to such other Commissioner all documents relevant for the decision of such matter and, when the matter is transferred for disposal, shall also transmit in the prescribed manner, any money remaining in his hands or invested by him for the benefit of any party to the proceedings.

Provided that no matter other than a matter relating to the actual payment to the workman or the distribution among the dependents of a lump sum shall be transferred for disposal under this sub section to another commissioner save with the previous sanction of Government, unless all the parties to the proceedings agree to the transfer.

Any appearance application or act required to be made or done by any person before or to a Commissioner(other than an appearance of party which is required for the purpose of his examination as a witness) may be made or done on behalf of such person by a legal practitioner or other person authorised in writing by such person.

(i) employed otherwise than in clerical capacity or on a railway in connection with the operation or

Before the proviso the following proviso shall be inserted namely:- Provided that the Commissioner shall not where any party to the proceedings has appeared before him, make any order of transfer relating to the distribution among dependants of a lumpsum without giving such party any opportunity of being heard and In the existing proviso after the word "Provided" the word "further" shall be inserted.

For the words "other person authorised in writing by such person" the following shall be substituted namely:-

"By an official of an Insurance Company authorised in writing by such person or with the permission of the Commissioner, by any other person so authorised".

In clause (i)

For the words "mechanically propelled vehicles" the words"a lift or a vehicle propelled by

other Commissioner all documents relevant for the decision of such matter and where the matter is transferred for disposal, shall also transmit in the prescribed manner any money remaining in his hands or invested by him for the benefit of any party to the proceedings. Provided that the Commissioner shall not where any party to the proceedings has appeared before him make any order of transfer relating to the distribution among dependants of a lumpsum without giving such party any opportunity of being heard.

Provided further that no matter other than a matter relating to the actual payment to the workman or the distribution among the dependants of a lumpsum shall be transferred for disposal under this sub section to another Commissioner save with the previous sanction of Government unless all the parties to the proceedings agree to the transfer.

Any appearance, application or act required to be made or done by any person before or to a Commissioner other than an appearance of a party which is required for the purpose of his examination as a witness may be made or done on behalf of such person by a legal practitioner or by an official of an Insurance Company authorised in writing by such person or with the permission of the Commissioner by any other person so authorised.

Employed other wise than in a clerical capacity or on a railway in connection with

led vehicles used for the carriage of passengers for hire or for industrial or commercial purposes; or

employed within the meaning of clause (2) of section 2 of the Mysor Factories Regulation 1914 in any place which is a factory within the meaning of sub clause (a) of clause (3) of that section

stituted.

In clause (2) brackets and

For the words figures, ~~brackets and~~ clause(2) of section 2 of the Mysore Factories ~~Regulation~~ Act 1914 the words, brackets ~~and~~ letter and figures clause(g) of section 2 of the Mysore Factories Act 1936 shall be substituted.

After clause IX the following clauses shall be inserted

(XX) employed in the tapping of palm trees or the felling or logging of trees or the transport of timber by inland waters or the control or extinguishing of Forest fires; or

XXI employed in operations for the catching or hunting of elephants or other wild animals.

~~XXII employed in the handling~~ transports of goods in or within the precincts of -

(a) any warehouse or other place in which goods are stored and in which on any one day of the preceding twelve months ten or more persons have been so employed or

(b) any market in which on any one day of the preceding twelve months one hundred or more persons have been so employed; or XXIII employed ~~many~~ occupation involving the handling and manipulation of radium or X-rays apparatus, or contact with radio-active substanc

a vehicle propelled by steam or other mechanical power or by electricity used for carriage of passengers for hire or for industrial or commercial purposes; or

† Employed within the meaning of clause (g) of section 2 of the Mysore Factories Act 1936 in any place which is a factory within the meaning of sub clause (a) of clause 3 of that section

Section.	Existing Section.	Ammendments suggested.	Section as amended.
Schedule III	List of occupational disease. Occupation disease. — Employment Lead poisoning or its sequelae — Any process involving the use of lead or its preparations or compounds. Phosphorus poisoning or its sequelae. — Any process involving the use of phosphorus or its preparations or compounds. Mercury poisoning or its sequelae. — Any process involving the use of mercury or its preparations or compounds. Poisoning by benzane and its homologues or the sequelae of such poisoning. — Handling Benzene or any of its homologues and any process in the manufacture or involving the use of benzene or any of its homologue. Chrome ulceration or its sequelae. — Any process involving the use of chromic acid or bichromate of ammonium, pot assium or sodium or their prepa-	Before the entry relating to lea poisoning or its sequeale the following shall be inserted namely:- Part A. Anthrax. — Any employment (a) involving the handling of wool hair bristles, or animal carcases, or parts of such carcases, including hides, hoofs and horns or (b) in connection with animals infected with anthrax. or (c) involving the loading, unloading or transport of any merchandise Compressed air illness or its sequelae. — Any process carried on in compressed air. Poisoining by lead tetraethyl. — Any process involving the use of lead tetraethyl. Poisoining by nitrous fumes. — Any process involving exposure to nitrous fumes. Part B. In the entry relating to lead poisoning or its sequelae, to the words in the first column the words "excluding poisoning by lead tetra	Part A. List of occupational disease. Occupation dusease, — Employment. Anthrax. — Any employment (a) involving the handling of wool, hair or bristles or animals carcases or parts of such carcases including hides, hoofs and horns; or (b) in connection with animals infected with anthrax or (c) involving the leading, unloading or transport of any merchandise. Compressed air illness or its sequelae. — Any process carried on in compressed air. Poisoning by lead tetra-ethyl — Any process involving the use of bad tetra-ethyl. Poisoning by Nitrous fumes. — Any process involving exposure to nitrous fumes. Part B. Lead poisoning or its sequelae excluding poisoning by lead — Any process involving the use of lead or any of its preparations or compounds except lead tetra-

Any process carried on in compressed air.

any occupation wherein the mineral dust is such as to cause Silicosis.

The handling of Cyanide or any work involving

ethyl" shall be added and for the words " or its preparations or compounds in the second column th words "or any of its preparations or compounds except lead tetra-ethyl" shall be substituted.

For the existing entry relating to compressed air illness or its sequelae the following entrie shall be substituted namely:-

Arsenical poisoning or its sequelae.	Any process involving the production, liberation or utilisation of arsenic or its compounds.
Pathologi-	

Phosphorus poisoning or its sequelae.	Any process involving the use of lead phosphorus or its preparations or compounds.
Mercury poisoning or its sequelae.	Any process involving the use of mercury or its preparations or compounds.
Poisoning by benzene and its homologues or the sequelae of su poisoning.	Handling benzene or any of its homologues and any process in the manufacture or involving the use of benzene or any of its homologues
Chrome ulceration or its sequelae.	Any process involving the use of chromic acid or bichromate of ammonium potassium, or sodium, or their preparation;
Arsenical poisoning or its sequel	Any process involving th production liberation or tion of arsenic or its compounds.
manifestations due to: Radium & other Radio-active substances.	Any process involving the exposure to the action of radium, radio active substances or X-rays.
Primary epithelismatus cancer of the skin.	Any process involving the handling or use of tar, pitch, bitumen, mineral il, paraffin or the compounds, products or residues of these substances.
Miner's phthisis or Silicosis.	Any occupation wherein the mineral dust is such as to cause silicosis.
yanide rash.	The handling of Cyanide or any work involving the use of Cyanide

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 28th March, 1939, and is hereby promulgated for general information:-

Act No.XIII of 1939.

An Act further to amend the Workmen's Compensation Act, 1923 for a certain purpose.

WHEREAS doubts have been entertained whether a workman employed on wages payable otherwise than by the month or on a monthly basis may be a workman within the meaning of the Workmen's Compensation Act,1923;

AND WHEREAS it is expedient to remove those doubts, and for that purpose further to amend section 5 of that Act in the manner hereinafter appearing;

It is hereby enacted as follows:-

1.(1) This Act may be called the Workmen's Compensation (Amendment) Act, 1939.

2. It shall come into force on the 1st day of May, 1939:

Provided that section 2 shall be deemed to have taken effect from the 30th day of June 1934.

2. In section 5 of the Workmen's Compensation Act, 1923-

(a)for the words "For the purposes of this Act the monthly wages of a workman shall be calculated" the following shall be substituted, namely:-

'In this Act and for the purposes thereof the expression "monthly wages" means the amount of wages deemed to be payable for a month's service (whether the wages are payable by the month or by whatever other period or at piece rates), and calculated';

(b)in clause (b), the words "deemed to be shall be omitted.

3. Where in any proceedings under the Workmen's Compensation Act, 1923, concluded after the 1st day of July, 1934, any person has been found by a Court not to be a workman within the meaning of that Act only by reason of the fact that his wages were payable otherwise than by the month or on a monthly basis, such finding shall be void and of no effect; and the Court shall, notwithstanding anything to the contrary in the Indian Limitation Act, 1908 or any other law for the time being in force, on application made within six months from the commencement of this Act by any person prejudicially affected by such finding, restore the proceedings at, and continue the proceedings from, the stage reached immediately before the order embodying or based on such finding was made.

G.H. SPENCE,

Secretary to the Govt. of Indi

RHS)

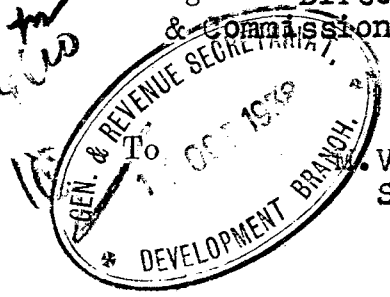
Tele { Phone 211—City.
Grams —Induscom.

In reply please quote No. date and brief title

DEPARTMENT OF INDUSTRIES AND COMMERCE.

From (Name) M.S. Ramchendra Rao, Esq., B.A.,

Designation Director of Industries & Commerce in Mysore & Commissioner for Workmen's Compensation,
Station Bangalore



To M. Venkatanaranappa, Esq., B.A.,
Secretary to the Government of Mysore,
Development Department,
Bangalore.

No. F1/290/35-36 Dated 12th October 1938.

Encls.

Spare copies.

SIR,

Subject:- Amendment of Section 32 (A) of the Mysore Workmen's Compensation Act XIV of 1938 as amended by Act III of 1936.

I have the honor to invite a kind reference to my letter of even number dated 20th June 1938 on the above subject and to request you to kindly obtain early orders of Government in the matter.

I have the honor to be,
S i r,
Your most obedient servant,

M Ramchendra
Director &
Commissioner for Workmen's Compensation

Director of Industries & Commerce
& Commissioner for Workmen's Compensation
Bangalore

Development Department,
Secretary to the Government of
...Venkataramana, Esq., B.A.,
Bangalore

12th October

Tele { Phone 2004
Grams—Induscom.

In reply please quote No., date and brief title

GEN. & REVENUE SECRETARIAT * DEVELOPMENT BRANCH. *

DEPARTMENT OF INDUSTRIES AND COMMERCE.

From M.S.Ramchendra Rao, Esq., B.A.,

Designation Director of Industries & Commerce in Mysore, & Commissioner, Workmen's Compensation, Bangalore.

To J.Appaji Gowda, Esq., B.A., (Hon).,
Secretary to the Government of Mysore,
Development Department,
Bangalore.

No. F1/290/35-36. Dated 9th December 1938.
Encl.

316

SIR,

Subject:- Amendment of section 32 (A) of the Mysore Workmen's Compensation Act XIV of 1928 as amended by Act III of 1936.

I have the honor to invite a kind reference to my letter of even number dated 20th June 1938 on the above subject and subsequent reminder dated 12th October 1938.

I request you to kindly obtain early orders of Government ir the matter.

I have the honor to be,
S i r,
Your most obedient servant,

M Ramchendra

Director & Commissioner for Workmen's Compensation.

Tele { Phone No. 2004.
Grams—INDUSCOM.

In reply please quote number, date & short title

GOVERNMENT OF MYSORE

DEPARTMENT OF INDUSTRIES AND COMMERCE.

FROM (Name) M. S. RAMCHENDRA RAO, ESQ., B.A.,

(Designation) Commissioner for Workmen's Compensation,
Station Bangalore City.

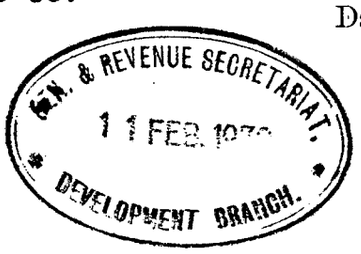
To

M. VENKATANARANAPPA, ESQ., B.A.,
Secretary to the Government of Mysore,
Development Department, Bangalore.

No. F1.290/35-36.

Dated the 10th February 1939.

Enclosures



SIR,

Subject:- Amendment of Section 32 A of the Mysore Workmen's Compensation Act XIV of 1928 as amended by Act III of 1936.

* * *

I have the honour to invite a kind reference to my letter of even No. dated the 20th June 1938 on the above subject and - - subsequent reminders dated the 12th October and 17th December 1938.

I request you to kindly obtain early orders of Government in the matter and communicate the same to me.

I have the honour to be,

Sir,

Your most obedient servant,

M Ramchendra

COMMISSIONER FOR WORKMEN'S COMPENSATIO

BV2)10-2-1939.

For Disposal by Circulation. **No. C. 506**

Bg 1939-40.

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject

Bill to furthef amend the Mysore Workmen's Compensation Act of 1928 as amended by Act of 1936.

Circulated to the Members of Council.

By Order,

Musammat

th May 1940. *Chief Secretary to Government.*

lember of Council. (Seen)

A 381 28-5-40 **Second Member of Council.** K. C. 29-5-40

Dep. Secy. with compliments.

MK 28.5.40

DRAFT AMENDMENTS TO THE WORKMEN'S COMPENSATION ACT NO.XIV OF 1928 AS AMENDED BY ACT OF 1936.

Sections.	Existing Section.	Amendments suggested.	Section as amended.
Section 2 clause (d) Sub.Sec. (1) Sub. Clause (i) &(ii).	(d) "dependant" means any of the following relatives of a deceased workman, namely, (i) a wife, a minor legitimate son, a minor adopted son, and unmarried legitimate daughter or a widowed mother, and (ii) if wholly or in part dependant on the earnings of the workman at the time of his death, a husband, a parent other than widowed mother, a minor illegitimate son, an unmarried illegitimate daughter, a daughter legitimate, or illegitimate if married, and a minor or if widowed, a minor brother, an unmarried or widowed sister, a widowed daughter in-law, a minor child of a deceased son or where no parent of the workman is alive, a paternal grand parent".	(1) In sub clause (i) for the word "wife" the word "widow" shall be substituted. (2) In sub clause (ii) for the word "husband" the word "widower" shall be substituted. After the words " a minor child of a deceased son" the words and comma " a minor child of a deceased daughter where no parent of the child is alive", shall be substituted.	(d) "dependant" means any of the following relatives of a deceased workmen, namely, (i) a widow, a minor legitimate son, a minor adopted son, and unmarried legitimate daughter or a widowed mother, and, (ii) If wholly or in part dependent on the earnings of the workman at th time of his death, widower, a parent other than a widowed mother, a minor illegitimate son, an unmarried illegitimate daughter, a daughter legiti mate, or illegitimate if married and minor or if widowed a minor brother an ummarried or widowed sister, a wi ed daughter in-law, a minor child of deceased son, a minor child of a deceased daughter where no parent of t child is alive, or where no parent o the workman is alive, a paternal gra parent".
Section 3. Sub.Sec. (2)	If a workman employed in any employment involving the handling of wool, hair, bristles, hides or skin contracts the decease of anthrax or if a workman whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months in any employment specified in Schedule III contracts any decease specified therein as an occupational disease peculiar to that employment, the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section and unless the employer proves the contrary the accident shall be deemed to have arisen	(3) For the words beginning "If a workman" and ending "disease of Anthrax" the following words shall be substituted "If a workman employed in any employment specified in part A of Schedule III contracts any disease specified therein as an occupational disease peculiar to that employment. (4) after the words "any employment specified in" the words "part B of" shall be inserted.	If a workman employed in any emplo ment speci fied in part A of Schedul III contracts any disease specified therein as an occupational disease peculiar to that employment or if a workman whilst in the service of an employer in whose service he has bee employed for a continuous period of not less than six months in any empl ment specified in part B of Schedule III contracts any disease specified therein as occupational disease pecu liar to that employment the contract ing of the disease shall be deemed to be an injury by accident within the meaning of this section and unle

Explanation. For the purposes of this section a period of service shall be deemed to be continuous which has not included a period of service under anv other employer

In this Act, monthly wages mean the wages of a workman by whatever period paid and shall be calculated as follows, namely:-

(a) where the workman has, during a continuous period of not less than twelve months immediately preceding the accident, been in the service of the employer, who is liable to pay compensation, the monthly wages of the workman shall be one-twelfth of the total wages which have fallen due for payment to him by the employer in the last twelve months of that period;

(b) where the whole of the continuous period of service immediately preceding the accident during which the workman was in the service of the employer who is liable to pay the compensation was less than one month, the monthly wages of the workman shall be deemed to be the average monthly amount which, during the twelve months immediately preceding the accident, was being earned by a workman employed on the same work by the same employer, or, if there was no workman so employed, by a workman employed on similar work in the same locality;

(c) in other cases, the monthly wages shall be thirty times the total wages earned in respect of the last continuous period of service immediately preceding the accident from the employer who is liable to pay compensation, divided by the number of days comprising such period:

at the end of the explanation the words "In the same kind of employment" shall be added.

1. For the words 'In this Act monthly wages mean the wages of a workman by whatever period paid and shall be calculated' the following shall be substituted viz., 'In this Act and for the purposes thereof the expression monthly wages means the amount of wages deemed to be payable for a month's service (whether the wages are payable by the month or whatever other period or at piece rates) and calculated'.

2. In clause (b) the words 'Deemed to be' shall be omitted.

accident shall be deemed to have arisen out of and in the course of the employment.

Explanation. For the purposes of this section a period of service shall be deemed to be continuous which has not included a period of service under any other employer in the same kind of employment.

In this Act and for the purposes thereof the expression monthly wages means the amount of wages deemed to be payable for a month's service (whether the wages are payable by the month or by whatever other period or at piece rates) and calculated as follows:-

(a) Same as item No.a in the first column.

(b) Same as item No.(b) in the first column after omitting the words 'Deemed to be'.

Sections.	Existing Section.	Amendments suggested.	Section as a nded.
	Explanation:- A period of service shall, for the purposes of this section, be deemed to be continuous which has not been interrupted by a period of absence from work exceeding 14 days.		Explanation:- Same as in column No.1.
		(8) The following shall be added as Section 5 A to the Workmen's Compensation Act. "Where in any proceedings under the Workmen's Compensation Act 14 of 1938 as amended by Act 3 of 1936, any person has been found by a Court not to be a workman within the meaning of that Act only by reason of the fact that his wages were payable otherwise than by the month or on a monthly basis, such finding shall be void and of no effect; and the court shall notwithstanding anything to the contrary in the Mysore Limitation Act, 1911, or any other law for the time being in force, an application made within six months from the commencement of this Act by any person prejudicially affected by such finding, restore the proceedings at, and continue the proceedings from, the stage reached immediately before the order embodying or based on such finding was made."	Same as in column No.2.
	No proceedings for the recovery of compensation shall be maintainable before a commissioner unless the notice of the accident has been given, in the manner herein after provided, as soon as practicable after the happening there of and before the workman has voluntarily left	(9) For the words beginning "No proceedings for the recovery of compensation and ending" within six months from the date of death the following shall be substituted namely: "No claim for compensation shall be entertained by a Commissioner unless	No claim for compensation shall be entertained by a Commissioner unless the notice of accident has been given in the manner hereinafter provided as soon as practicable after the happening thereof and unless the claim is preferred before him within one year of the occurance of the

and unless the claim for compensation with respect to such accident has been instituted, within six months of the occurrence of the accident or in the case of death within 6 months from the date of death provided that.....further .....by the decease. Provided further that the want of or any defect or irregularity in a notice shall not be a bar to the maintenance of proceedings.	in the manner herein after provided as soon as practicable, after the happening thereof and unless the claim is preferred before him within one year of the occurance of the accident or in case of death within one year from the date of death. In the second proviso for the words "maintenance of proceedings" the words entertainment of a claim shall be substituted.	one year from the date of death. Provided further that the want of or any defect or irregularity in a notice shall not be bar to the entertainment of a claim.
(a) If the claim is made in respect of the death of a workman resulting from an accident which occured in the premises of the employer, or at any place where the workman at the time of the accident was working under the control of the employer or of any person employed by him and the workman died on such premises or at such place or any premises belonging to the employer or died without having left the vicinity of the premises or place where the accident occured or	(10) In the Clause A for the word "made" the word "preferred" shall be substituted.	(a) If the claim is preferred in respect of the death of a workman resulting from an accident which occurred in the premises of the employer or at any place where the workman at the time of the accident was working under the control of the employer or of any person employed by him and the workman died on such premises or at such place or any premises belonging to the employer or died without having left the vicinity of the premises or place where the accident occurred or
(b) If the employer had knowledge of the accident from any other source at or about the time when it occured.	In clause b, after the word 'employer' the words "or any one of several employers or any person responsible to the employer for the management of any branch of the trade or business in which the injurred workman was employed", shall be inserted.	(b). If the employer or any one of several employers or any person responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed, had knowledge of the accident from any other source at or about the time when it occurred.
Provided further, that the Commissioner may admit and decide any claim to compensation in any case not withstanding that the notice has not been given or the claim has not been instituted in due time as provided in the sub section,	(12) In the third proviso for the word "admit" the word "entertain" shall be substituted and for the words "instituted and Institute" respectively the words "preferred" and "prefer" shall be substituted.	Provided further that the Commissioner may entertain and decide any claim to compensation in any case notn withstanding that the notice has not been given or the claim has not been preferred in due time as provided in this sub section, if he is satisfied

Sections.	Existing Section.	Amendments suggested.	Secrion as amended.
	section, if he is satisfied that the failure so to give the notice or institute the claim, as the case may be, was due to sufficient cause.		satisfied that the failure so to give the notice or prefer the claim, as the case may be, was due to sufficient cause.
10(2)	Every such notice shall give the name and address of the person injured and shall state in ordinary language the cause of the injury and date of which the accident happened shall be served on the employer or upon any one of several employers, or upon any person [directly] responsible to the employer for the management of any branch of the trade, or business in which the injured workman was employed.	(13) In Sub Section (2) The word 'Directly' shall be omitted.	Every such notice shall give the name and address of the person injured and shall state in ordinary language the cause of the injury and the date on which the accident happened and shall be served on the employer or upon any one of several employers or upon any person responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed.
1(6)	Where an injured workman has refused to be attended to by a qualified Medical Practitioner whose services have been offered to him by the employer free of charge, or having accepted such offer has deliberately disregarded the instructions of such Medical Practitioner, then, [if it is thereafter proved that the workman has not been regularly attended by a qualified Medical Practitioner and that such refusal, failure or disregard was unreasonable] in the circumstances of the case and that the injury has been aggravated thereby, the injury and resulting disablement shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the workman had been regularly attended by a qualified Medical Practitioner, and compensation if any, shall be payable accordingly.	(14) For the words 'If it is thereafter proved that the workman has not been regularly attended by a qualified Medical Practitioner and that such refusal, failure or disregard was 'unreasonable', the following shall be substituted, namely:- 'If it is proved that the workman has not thereafter been - - regularly attended by a qualified Medical Practitioner [or having been so attended has deliberately failed to follow his instructions] and that such refusal disregard or failure was unreasonable and After the words 'Qualified Medical Practitioner' where they occur for the last time, the words 'whose instructions he had [illegible]	Where an injured workman has refused to be attended by a qualified Medical Practitioner whose services have been offered to him by the employer free of charge or having accepted such offer has deliberately disregarded the instructions of such Medical Practioner, then, if it is proved that the workman has not thereafter been regularly attended by a qualified Medical Practitioner or having been so attended has deliberately failed to follow his instructions] and that such refusal disregard or failure was unreasonable in the circumstances of the case and that the injury has been aggravated thereby, the injury and resulting - - disablement shall be deemed to be the same nature and duration as they might reasonably have been accepted to be if expect the workman had been regularly attended by a qualified Medical [illegible]

a person injured by accident arising
t of and in the course of his employ-
nt in a factory, a ceritificate - -
anted in respect of such person under
section 7 or Sec.8 of the Mysore - -
Factories Regulation 1914, before the
occurance of the injury shall be
conclusive proof of the age of such
person.

f a Commissioner is satisfied by any
party to any proceedings under this
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is regulation, order such matters
be transferred to such other
mmissioner either for report or for
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mmissioner save with the previous
nction of Government, unless all
e parties to the proceedings agree
the transfer.

for the words and figures 'a certificate granted in respect of such person under Sec.7 or sec.8 of the Mysore Factories Regulation 1914' the words and figures 'a valid certificate granted in respect of such person under Sec. 12 or Section 52 of the Mysore Factories Act 1936 shall be substituted.

(16)

For the words 'by any party to any proceedings pending before him that such matter' the words 'that any matter arising out of any proceedings pending before him' shall be substituted.

(17)

Before the proviso the following proviso shall be inserted namely:- Provided that the Commissioner shall not where any party to the proceedings has appeared before him, make any order of transfer relating to to the distribution among dependants of a lumpsum without giving such party any opportunity of being heard and in the existing

where any question arises as to the age of a person injured by accident arising out of and in the course of his employment in a factory, a valid certificate granted in respect of such person under Sec.12 or Sec.52 of the Mysore Factories Act 1936, before the occurance of the injury shall be conclusive proof of the age of such person.

If a Commissioner is satisfied that any matter arising out of any proceedings, pending before him can be more conveniently dealt with by any other Commissioner he may subject to rules made under this Act order such matter to be transferred to such other Commissioner either for report or for disposal and if he does so shall forthwith transmit to such other Commissioner all documents relevant for the decision of such matter and where the matter is transferred for disposal, shall also transmit in the prescribed manner any money remaining in his hands or invested by him for the benefit of any party to the Proceedings. Provided that the Commissioner shall not where any party to the proceedings has appeared before him make any order of transfer relating to the distribution among dependants of a lump sum without giving such party any opportunity of being heard.

Provided further that no matter other than a matter relating to the actual payment to workman or the distribution among dependants of a lump sum shall be transferred for disposal under this sub section to another Commissioner save with the previous sanction of Government unless all the parties to

ections.	Exisiting Section.	Amendments suggested.	Section as amended.
23.	Any appearance application or act required to be made or done by any person before or to a Commissioner(Other than an appearance of a party which is required for the purpose of his examination as a witness)may be made or done on behalf of such person by a legal ~~practitioner~~ practitioner or other person authorised in - - writing by such person.]	(18) For the words'Other person authorised in writing by such person' the follow -ing shall be substituted namely:- 'By an official of an Insurance - - Company authorised in writing by such person or with the permission of the Commissioner by any other person so authorised'.	Any appearance,application or act - - required to be made or done by any person before or to a Commissioner other than an appearance of a party which is required for the purpose of his examination as a witness may be made or done on behalf of such person by a legal practitioner or by an official of an Insurance Company authorised in writing by such person or with the permission of the Commissioner by any other person so authorised.]
	The Government may by notification in the Official Gazette make rules for the transfer to any part of British India or other States in India of money paid to ~~the~~ a Commissioner under this Act for the benefit of any person residing or about to reside in such part and for the receipt and administration in Mysore of any money awarded under the law relating to Workmen's Compensation in any such part and applicable for the benefit of any person residing or about to reside in Mysore.	(19) Section 32 A.of the Workmen's Compensation Act of 1928 as amended by Act III of 1936 shall be renumbered as Sub Section (1)of that Section and in the said Section as so renumbered:- (a)(a)for the words 'Paid to' the words 'Deposited with' shall be substituted. (b)(c)for the words 'for the benefit of' where they occur for the first time the words'Which has been awarded to or may be due to'shall be substituted. (c)(d)After the word 'Receipt' the word 'Distribution'shall be inserted. (d)(e)for the words'Awarded' the word 'Deposited' shall be substituted. (e)(f)For the words 'And applicable for the benefits of 'the words 'Which has been awarded to or may be due to' shall be substituted.	The Government may by Notification in the Official Gazette make rules for the transfe to any part of British India, or other ~~States~~ His Majesty's Dominions r States in India of money deposited with the Commissioner under this Act which has been awarded to or may be due to any person residing or about to reside in such part and for the receipt, distribution and administration in Mysore of any money deposited under the Law relating to Workmen's Compensation in any such part which has been awarded to or may be due to any person residing or about to reside in Mysore;
		(a) ~~insert a comma~~ after the words 'British India' insert a comma " & add the words His Majesty's Dominions"	
	New Proviso.	2 To the said section as so renumber-	2.Same as item No.2 in the second

		deposited under this Act in respect of fatal accidents shall be so transferred without the consent of the employer concerned until the Commissioner receiving the sum has passed orders determining this distribution and apportionment under the provision of sub section 4 and 5 of Section 8.	
		3.After the said section as so - - renumbered the following sub section shall be added viz.(2) where money deposited with a Commissioner has been so transferred in accordance with the rules made under this Section the provision elsewhere contained in this Act regarding distribution by the Commissioner of Compensation deposited with him shall cease to apply in respect of any such mone	3.Same as item No.3 in the secon column.
Schedule II Caluse 1).	(i)Employed otherwise than in a Clerical capacity or on a railway in connection with the operation or maintenance of mechanically propelled vehicles used for the carriage of passengers for hire or for industrial or commercial purposes; or	In Clause(1) (20) For the words 'Mechanically propelled Vehicles' the words 'a lift or a vehicle propelled by steam or other mechanical power or by electricity shall be substituted.	Employed otherwise than in a clerical capacity or on a railway in connectio with the operation or maintenance of a lift or a vehicle propelled by stea or other mechanical power or by electricity used for the carriage of passengers for hire or for industrial or commercial purposes or
	(ii) Employed within the meaning of Clause (2)of Section 2 of the Mysore Factories Regulation 1914 in any place which is a Factory within the meaning of Sub clause A of clause (3)of that Section.	In Clause (2) for the words brackets and figures clause (2) of section 2 of the Mysore Factories Act 1914 the words,brackets, letter and figures Cl. (g)of Sec.2 of the Mys.Fac.Act of'36 shall be substituted.	Employed within the meaning of clause (g)of Section 2 of the Mysore - - Factories Act 1936 in any place which is a factory within the meaning of sub clause(3) of that section.
New Clauses.		After clause IX the following clauses shall be inserted (XX)employed in the tapping of palm trees or the felling of logging of trees or the transport of timber by inland waters or the control or extinguishing of forest fires; or	
		(XI employed in operations for the	

Sectic...	Existing Section.		Amendments suggested.		Section as amended.
			the catching or hunting of elephants or other wild animals. XXII. Employed in the handling of transports of goods in or within the precincts of - (a) any ware-house or other place in which goods are stored and in which on any one day of the preceding twelve months ten or more persons have been so employed; or (b) any market in which on any one day of the preceding 12 months one hundred or more persons have been so employed; or in any occupation involving the handling and manipulation of radium or X-rays apparatus, or contact with radio active substances'.		
ɔdule II	List of occupational diseases Occupational disease	Employment	Before the entry relating to lead poisoning or its sequeale the following shall be inserted namely:-		Part A. List of occupational Diseases Employment.
			Part A.	Occupation Disease	
	Lead poisoning or its sequelae	Any process involving the use of lead or its preparations or compounds	Anthrax. Any employment (a) involving the handling of wool hair bristles, or animal carcases or parts of such carcases, including hides, hoofs and horns; or (b) in connection with animals infected with anthrax, or (c) involving the loading, unloading or transport of any merchandise.	Anthrax	Any employment (a) involving the handling of wool, hair or bristles or animals carcases or parts of such carcases including hides, hoofs and horns or (b) in connection with animals infected with anthrax, or (c) involving the loading, unloading or transport of any merchandise.
	Phosphorous poisoning or its sequelae.	Any process involving			

	phosphorous or its preparations or compounds.				
Mercury poisoning or its sequelae.	Any process involving the use of - - mercury or its preparations or compounds.				
Poisoning by benzene and its homologues or the sequelae of such poisoning	Handling benzene or any of its homologues and any process in the manufacture or involving the use of benzene or any of its homologue.	Compressed air illness or its sequelae.	Any process carried on in compressed air.	Compressed air illness or its sequelae	Any process carried on in the use of compressed air.
		Poisoning by lead tetraethyl.	Any process involving the use of lead tetraethyl	Poisoning by lead tetraethyl	Any process involving the use of lead tetra-ethyl.
Chrome ulceration or its sequelae	~~Any process~~ Any process involving the use of chromic acid or bichromate of amonium, potassium or sodium or their preparations.	Poisoning by nitrous fumes.	Any process involving exposure to nitrous fumes.	Poisoning by Nitrous fumes.	Any process involving exposure to nitrous fumes.

Part B.

Compressed air illness or its sequelae	Any process carried on in compressed air.	In the entry relating to lead poisoning or its sequele, to the words in the first column the words 'excluding poisoning by lead tetraethyl' shall be added and for the words 'or its preparations or compounds' in the second column the words 'or any of its preparations or compounds except lead tetra-ethyl' shall be substituted.	Lead poisoning or its sequelae excluding poisoning by lead tetra-ethyl	Any process involving the use of lead or any of its preparations or compounds except lead tetra-ethyl.
			Phosphorus poisoning or its sequelae	Any process involving the use of lead, phosphorus or its preparations or

Sections.	Existing Section.	Amendments suggested.	Section as amended.
	Miners' phthisis or silicosis	Any occupation wherein the - - mineral dust is such as to cause silicosis.	For the existing entry relating to compressed air illness or its sequelae the following entries shall be substituted namely:-
	Arsenical poisoning or its - - sequelae.	Any process involving the production, liberation or utilisation of arsenic or its compounds.	Poisoning by - - benzene and its homologues or the sequelae of such poisoning.
	The handling of cyanide or any work involving the use of cyanide.	Pathological manifestations due to -	Chrome ulceration or its sequelae [illegible].
		(a) Radium and other radio active substances. (b) X-rays.	Any process involving exposure to the action of radium, radio active substances or x-rays.
		Primary epitheliomatous cancer of the skin.	Any process involving the handling or use of Tar, pitch, bitumen, mineral oil, paraffin or the compounds products or residues of these substances.
			Mercury poisoning or its sequelae.
			Arsenical poisoning or its sequelae.
			Pathological manifestations due to radium and other radio-active substances.
			Primary epitheliomatous cancer of the skin.
			Any process involving the use of mercury or its preparations or compounds
			Handling benzene or any of its homologues and any process in the manufacture or involving the use of benzene or any of its homologues.
			Any process involving the use of chromic acid or bichromate of amonimum, potassium, or sodium, or their preparations.
			Any process involving the production, liberation or utilisation of arsenic or its compounds.
			Any process involving the exposure to the action of radium, radio active - - substances or X-rays.
			Any process involving the handling or use of tar, pitch bitumen, mineral oil paraffin or the compounds, products or residues of these substances.

Miners' phthisis or silicosis.	Any occupatic wherein the mineral dust such as to ca silicosis
Cyanide rash	The handling of cyanide or a work involvir use of cyanid

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WORKMEN'S COMPENSATION.

Appendix F G–1]
F. A. & L. C.

SUBJECT_____

Section L-(

File No.

Serial No.

No. 909 RL

*Diary No. of letter replied to*_____

~~To~~

General and Revenue Secretariat
R. A. & L. C.

Date of issue 10/11/41

gned by M. V. Narasinha Rao

Notification

Under the provisions of rule 36 of the Mysore Legislative rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Workmen's Compensation (amendment) bill together with the statement of objects and reasons

B. O.
Hm
7.11.41.
Secy to Govt.
Lab Dept

For Dy Secy
Lab Dept
7.11.41

The Controller Mysore Gazette for publication in Part IV of the Gazette L Supply of 350 Copies to the Secretariat.

no no. 910 RL

Copy of the above is forwarded to the Secy. Legislative Council for information

B. O.

For Secy to Govt
Labour Dept
Dy Secy

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 909 RL

General and Revenue Secretariat,

Dated Bangalore, 7th November 1941.

NOTIFICATION.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the gazette of the accompanying Workmen's Compensation (amendment) Bill, together with the statement of objects and reasons.

By Order,
Sd/- H.V.NARAYANA RAO

Secretary to Government,
Law Department.

The Compiler, Mysore Gazette, for publication in Part IV of the gazette and supply of 250 copies to the Secretariat.

Memo No. 910 RL Dated, Bangalore, 7th November 1941

Copy of the above is forwarded with compliments to the Secretary, Legislative Council, for information.

By Order,

For Secretary to Government,
Law Department.

NOTIFICATION.

No. Rl. 909, *dated Bangalore, the* 7—10*th November* 1941.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Workmen's Compensation (Amendment) Bill, together with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,

Law Department.

STATEMENT OF OBJECTS AND REASONS OF THE BILL TO FURTHER AMEND THE WORKMEN'S COMPENSATION ACT, 1928.

The Mysore Workmen's Compensation Act, 1928, has been modelled very largely on the corresponding British Indian Act of 1923. Amendments made to the British Indian Act, from time to time, have been considered and, where necessary, adopted in Mysore.

In 1937, 1938 and 1939 a number of amendments was made in British India. The present Bill seeks to incorporate these amendments in the Mysore Act. These amendments are intended to deal with a number of ambiguities and minor defects which have come to light in recent years in the course of the administration of the Act.

The more important of the changes sought to be effected now are indicated in the Notes on clauses appended hereto.

Notes on Clauses.

Clause 2.—The definition of "dependant" has been enlarged to include a minor child of a deceased daughter where no parent of the child is alive.

Clause 3.—The provision relating to the liability of an employer for compensation has been widened so as to render him liable to certain additional occupational diseases which have been added to the list of diseases in Schedule III.

Clauses 4 and 5.—Clause 4 is intended to remove doubts as to whether a worker whose wages are paid otherwise than by the month or on a monthly basis can under any circumstances, claim the benefits of the Act. A more formal definition of the expression "monthly wages" is therefore proposed. A provision enabling a workman, whose claim for compensation has been rejected on the above ground, to have the investigation of his claim re-opened is also incorporated by clause 5.

Clause 6.—The period within which notice of an accident or death has to be given to a Commissioner has been raised from six months from the date of the accident or death to one year therefrom.

Under clause (*a*) of the proviso to this section (section 10), failure to give notice is no bar to the maintenance of proceedings if the employer had notice of the accident or death. In practice, however, it has been found that in some cases the real employer pleads ignorance of the accident or death and escapes liability though other persons responsible to the employer in the business in which the employee met the accident or death may have notice. This defect is also sought to be removed.

Clause 10.—The right to appear before a Commissioner on behalf of any party to proceedings before him is now unlimited and any person authorised by a party may do so. The proposed amendment seeks to limit this right to a legal practitioner or an official of an insurance company or with the permission of the Commissioner to any other person, authorised by a party.

Clause 11.—Section 32A of the Act limits the transfer of compensation to transfers between Mysore and British India or other Indian States. The present amendment permits not only transfers with all parts of His Majesty the King Emperor's Dominions or other Indian States but also provides for the transfer of money prior to its distribution where the employer consents to such transfer.

Clause 12.—Schedule II of the Act which gives a list of persons who are "workmen" within the meaning of

the Act is proposed to be considerably enlarged and to include a number of new kinds of employment also.

Clause 13.—Schedule III of the Act giving a list of occupational diseases is proposed to be widened and a number of new diseases considered as occupational and giving a workman so affected during his employment a right to compensation is added.

The other changes are of a minor nature.

A Bill further to amend the Workmen's Compensation Act, 1928.

WHEREAS it is expedient further to amend the Workmen's Compensation Act, 1 28, for the purposes hereinafter appearing :—

It is hereby enacted as follows :—

Short title.

(1) This Act may be called the Workmen's Compensation (amendment) Act, 194 .

Amendment of section 2, Act XIV of 1928.

2. In clause (*d*) of sub-section (1) of section 2 of the Workmen's Compensation Act, 1928 (hereinafter referred to as the said Act),

(*a*) in sub-clause (i) for the word " wife, " the word " widow " shall be substituted ;

(*b*) in sub-clause (ii) for the word " husband, " the word " widower " shall be substituted ; and

(*c*) in sub-clause (ii) after the words, " a minor child of a deceased son ", the words and comma " a minor child of a deceased daughter where no parent of the child is alive" shall be inserted.

Amendment of section 3, Act XIV of 1928.

3. In sub-section (2) of section 3 of the said Act—

(*a*) for the words beginning " If a workman " and ending " disease of anthrax, " the following words shall be substituted, namely,—

" If a workman employed in any employment specified in Part A of Schedule III contracts any disease specified therein as an occupational disease peculiar to that employment ;"

(*b*) after the words any employment specified in " the words " Part B of " shall be inserted ; and

(*c*) at the end of the explanation, the words " in ame kind of employment " shall be added.

4. In section 5 of the said Act—

Amendment of section 5, Act XIV of 1928.

(*a*) for the words, "In this Act, monthly wages mean the wages of a workman by whatever period paid and shall be calculated" the following shall be substituted, namely,—

"In this Act and for the purposes thereof, the expression 'monthly wages' means the amount of wages deemed to be payable for a month's service (whether the wages are payable by the month or by whatever other period or at piece rates) and calculated

(*b*) in clause (*b*), the words "deemed to be" shall be omitted.

Restoration of proceedings.

5. After section 5 of the said Act, the following new section shall be inserted, namely,—

"5 A. Where in any proceedings under this Act concluded after the 1st July 1934, any person has been found by a Court not to be a workman within the meaning of this Act only by reason of the fact that his wages were payable otherwise than by the month or on a monthly basis, such finding shall be void and of no effect and the Court shall, notwithstanding anything to the contrary in the Mysore Limitation Act, 1911, or any other law for the time being in force, on application made within six months from the ..... by any person prejudicially affected by such finding, restore the proceedings at, and continue the proceedings from, the stage reached immediately before the order embodying or based on such finding was made."

Amendment of section 10, Act XIV of 1928.

6. In section 10 of the said Act—

(*a*) in sub-section (1),—

(1) for the words beginning "No proceedings for the recovery of compensation" and ending "within six months from the date of death," the following shall be substituted, namely,—

"No claim for compensation shall be entertained by a Commissioner unless notice of the accident has been given in the manner hereinafter provided as soon as practicable after the happening thereof and unless the claim is referred before him within one year of the occurrence of the accident or, in case of death, within one year from the date of death'

(2) in the second proviso—

(i) for the words "maintenance of proceedings" the words "entertainment of a claim" shall be substituted;

(ii) in clause (a) for the word "made" the word "preferred" shall be substituted; and

(iii) in clause (b) after the words "employer" the words "or any one of several employers or any person responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed" shall be inserted; and

(3) in the third proviso, for the word "admit" the word "entertain" shall be substituted and for the words 'instituted" and "institute", respectively the words preferred" and "prefer" shall be substituted; and

(b) in sub-section (2) the word "directly" shall be mitted.

7. In sub-section (6) of section 11 of the said Act— Amendment of section 11, Act XIV of 1928.

(a) for the words "if it is thereafter proved that the workman has not been regularly attended by a qualified Medical Practitioner and that such refusal, failure or disregard was unreasonable" the following shall be substituted, namely :—

"if it is proved that the workman has not thereafter been regularly attended by a qualified Medical Practitioner or having been so attended has deliberately failed to follow his instructions and that such refusal, disregard or failure was unreasonable", and

(b) after the words "qualified Medical Practitioner" where they occur for the last time, the words "whose instructions he had followed" shall be inserted.

8. In section 17 of the said Act, for the words and figures "a certificate granted in respect of such person under section 7 or section 8 of the Mysore Factories Act, 1914" the words and figures "a valid certificate granted in respect of such person under section 12 or section 52 of the Mysore Factories Act, 1936" shall be substituted. Amendment of section 17, Act XIV of 1928.

9. In sub-section (2) of section 20 of the said Act,— Amendment of section 20, Act XIV of 1928.

(a) for the words "by any party to any proceedings pending before him that such matter" the words "that any matter arising out of any proceedings pending before him" shall be substituted; and

(b) before the proviso the following proviso shall be inserted, namely—

"Provided that the Commissioner shall not, where any party to the proceedings has appeared before him make any order of transfer relating to the distribution among dependants of a lumpsum without giving such party an opportunity of being heard";

and in the existing proviso, after the word "Provided" the word "further" shall be inserted.

Amendment of section 23, Act XIV of 1923.

10. In section 23 of the said Act, for the words "other person authorised in writing by such person" the following shall be substituted, namely—

"by an official of an insurance company authorised in writing by such person or with the permission of the Commissioner, by any other person so authorised"

Amendment of section 32A, XIV of 1923.

11. (1) Section 32A of the said Act shall be renumbered as sub-section (1) of that section and in the said section as so renumbered—

(a) for the words "to any part of British India or other States in India", the words "to any part of His Majesty the King Emperor's Dominions or any State in India" shall be substituted;

(b) for the words "paid to" the words "deposited with" shall be substituted;

(c) for the words "for the benefit of" when they occur for the first time, the words "which has been awarded to or may be due to" shall be substituted;

(d) after the words "in any such part" and "in such part" where they occur the words "or State" shall be inserted;

(e) after the word "receipt" the word "distribution" shall be inserted;

(f) for the word "awarded" the word "deposited" shall be substituted; and

(g) for the words "and applicable for the benefit of" the words "which has been awarded to or may be due to" shall be substituted.

(2) To the said section as so renumbered, the following proviso shall be added, namely

"Provided that no sum deposited under this Act in respect of fatal accidents shall be so transferred without the

consent of the employer concerned until the Commissioner receiving the sum has passed orders determining its distribution and apportionment under the provisions of sub-sections (4) and (5 of section 8."

(3) After the said section as so renumbered the following sub-section shall be added, namely—

" (2) Where money deposited with a Commissioner has been so transferred in accordance with the rules made under this section, the provisions elsewhere contained in this Act regarding distribution by the Commissioner of compensation deposited with him shall cease to apply in respect of any such money "

Amendment of schedule II, Act XIV of 1928.

12. In schedule II to the said Act—

(*a*) in clause (i) for the words " mechanically propelled vehicles " the words "a lift or a vehicle propelled by steam or other mechanical power or by electricity and " shall be substituted;

(*b*) in clause (ii) for the words, brackets and figures, " clause (2) of section 2 of the Mysore Factories Act, 1914 " the words, brackets, letter and figures, " clause (g) of section 2 of the Mysore Factories Act, 1936 " shall be substituted ";

(*c*) after clause (xviii) the following clauses shall be inserted, namely—

(xix) employed in the tapping of palm trees or the felling or logging of tress, or the transport of timber by inland waters, or the control or extinguishing of forest fires; or

(xx) employed in operations for the catching or hunting of elephants or other wild animals; or "

(*d*) the existing clause (XIX) shall be renumbered as clause (xxi) and after that clause as so renumbered the following words and clauses shall be inserted, namely—

" or (xxii) employed in the handling or transport of goods in, or within the precincts of—

(*a*) any warehouse or other places in which goods are stored, and in which on any one day of the preceding twelve months ten or more persons have been so employed, or

(*b*) any market in which on any one day of the preceding twelve months one hundred or more persons have been so employed; or

(xxiii) employed in any occupation involving the handling and manipulation of radium or

X-Ray apparatus, or contract with radio-active substances."

Amendment of schedule III, Act XIV of 1928.

13. In schedule III to the said Act,—

(*a*) before the entry relating to lead poisoning and its sequelæ, the following shall be inserted, namely—

"PART A."

	Any employment— (*a*) involving the handling of wool, hair, bristles or animal carcasses or parts of such carcasses, including hides, hoofs and horns; or (*b*) in connection with animals infected with anthrax; or (*c*) involving the loading, unloading, or transport of any merchandise.
	Any process carried on in compressed air.
	Any process involving the use of lead tetraethyl.
	Any process involving exposure to nitrous fumes.

'ART B."

relating to lead poisoning or its
n the first column the words
lead tetra-ethyl" shall be added
s preparations or compounds" in
ords "or any of its preparations
or compounds except lead tetra-ethyl" shall be substituted; and

(*c*) for the existing entry relating to compressed air illness or its sequelae the following entries shall be substituted, namely—

"Arsenical poisoning or its sequelæ."	Any process involving the production, liberation or utilisation of arsenic or its compounds.
Pathological manifestations due to— (*a*) radium and other radio-active substances; (*b*) X-Rays	Any process involving exposure to the action of radium, radio-active substances, or X-Rays.
Primary epitheliomatous cancer of the skin.	Any process involving the handling of use of tar, pitch, bitumen, minera oil, parafin, or the compounds products or residues of these substances."

Printed by the Superintendent at the Government Press, Bangalore.

Amendment of Mr. T.Ramachandra

The Workmen's Compensation Act.

Under Clause VI(1) of the amending bill the following e added:-

"Provided that the accident of the contracting of an occupational disease, like Silicosis the claim for compensation shall be entertained within five years of the occurrence of the accident."

The amendment was withdrawn by leave of the House.

the Act is proposed to be considerably enlarged and to include a number of new kinds of employment also.

Clause 13.—Schedule III of the Act giving a list of occupational diseases is proposed to be widened and a number of new diseases considered as occupational and giving a workman so affected during his employment a right to compensation is added.

The other changes are of a minor nature.

A Bill further to amend the Workmen's Compensation Act, 1928.

WHEREAS it is expedient further to amend the Workmen's Compensation Act, 1928, for the purposes hereinafter appearing :—

It is hereby enacted as follows :—

Short title.

(1) This Act may be called the Workmen's Compensation (amendment) Act, 194 .

Amendment of section 2, Act XIV of 1928.

2. In clause (*d*) of sub-section (1) of section 2 of the Workmen's Compensation Act, 1928 (hereinafter referred to as the said Act),

(*a*) in sub-clause (i) for the word " wife, " the word widow " shall be substituted ;

(*b*) in sub-clause (ii) for the word " husband, " the word " widower " shall be substituted ; and

(*c*) in sub-clause (ii) after the words, " a minor child of a deceased son ", the words and comma " a minor child of a deceased daughter where no parent of the child is alive" shall be inserted.

Amendment of section 3, Act XIV of 1928.

3. In sub-section (2) of section 3 of the said Act—

(*a*) for the words beginning " If a workman " and ending " disease of anthrax, " the following words shall be substituted, namely,—

" If a workman employed in any employment specified in Part A of Schedule III contracts any disease specified therein as an occupational disease peculiar to that employment ;"

(*b*) after the words " any employment specified in " the words " Part B of " shall be inserted ; and

(*c*) at the end of the explanation, the words " in ame kind of employment " shall be added.

4. In section 5 of the said Act—

(*a*) for the words, "In this Act, monthly wages mean the wages of a workman by whatever period paid and shall be calculated" the following shall be substituted, namely,—

"In this Act and for the purposes thereof, the expression 'monthly wages' means the amount of wages deemed to be payable for a month's service (whether the wages are payable by the month or by whatever other period or at piece rates) and calculated";

(*b*) in clause (*b*), the words "deemed to be" shal be omitted.

5. After section 5 of the said Act, the followin new section shall be inserted, namely,—

"5 A. Where in any proceedings under this Ac ncluded after the 1st July 1934, any person has bee und by a Court not to be a workman within the mean g of this Act only by reason of the fact that his wage ere payable otherwise than by the month or on a monthl sis, such finding shall be void and of no effect and th ourt shall, notwithstanding anything to the contrar the Mysore Limitation Act, 1911, or any other law fo e time being in force, on application made within si onths from the ..... by any perso ejudicially affected by such finding, restore the proceed gs at, and continue the proceedings from, the stag ached immediately before the order embodying or base such finding was made."

6. In section 10 of the said Act—

(*a*) in sub-section (1),—

(1) for the words beginning "No proceedings for e recovery of compensation" and ending "within six onths from the date of death" the following shall be bstituted, namely,—

"No claim for compensation shall be entertained by a Commissioner unless notice of the accident has been given in the manner hereinafter provided as soon as practicable after the happening thereof and unless the claim is referred before him within one year of the occurrence of the accident or, in case of death, within one year from the date of death";

(2) in the second proviso—

(i) for the words "maintenance of proceedings" the words "entertainment of a claim" shall be substituted;

(ii) in clause (a) for the word "made" the word "preferred" shall be substituted; and

(iii) in clause (b) after the words "employer" the words "or any one of several employers or any person responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed" shall be inserted; and

(3) in the third proviso, for the word "admit" the word "entertain" shall be substituted and for the words 'instituted" and "institute", respectively the words "preferred" and "prefer" shall be substituted; and

(b) in sub-section (2) the word "directly" shall be omitted.

Amendment of section 11, Act XIV of 1928.

7. In sub-section (6) of section 11 of the said Act—

(a) for the words "if it is thereafter proved that the workman has not been regularly attended by a qualified Medical Practitioner and that such refusal, failure or disregard was unreasonable" the following shall be substituted, namely :—

"if it is proved that the workman has not thereafter been regularly attended by a qualified Medical Practitioner or having been so attended has deliberately failed to follow his instructions and that such refusal, disregard or failure was unreasonable", and

(b) after the words "qualified Medical Practitioner" where they occur for the last time, the words "whose instructions he had followed" shall be inserted.

Amendment of section 17, Act XIV of 1928.

8. In section 17 of the said Act, for the words and figures "a certificate granted in respect of such person under section 7 or section 8 of the Mysore Factories Act, 1914" the words and figures "a valid certificate granted in respect of such person under section 12 or section 52 of the Mysore Factories Act, 1936" shall be substituted.

Amendment of section 20, Act XIV of 1928.

9. In sub-section (2) of section 20 of the said Act,—

(*a*) for the words "by any party to any proceedings pending before him that such matter" the words "that any matter arising out of any proceedings pending before him" shall be substituted; and

(*b*) before the proviso the following proviso shall be inserted, namely—

"Provided that the Commissioner shall not, where any party to the proceedings has appeared before him make any order of transfer relating to the distribution among dependants of a lumpsum without giving such party an opportunity of being heard";

and in the existing proviso, after the word "Provided" the word "further" shall be inserted.

Amendment of section 23, Act XIV of 1928.

10. In section 23 of the said Act, for the words "other person authorised in writing by such person" the following shall be substituted, namely—

"by an official of an insurance company authorised in writing by such person or with the permission of the Commissioner, by any other person so authorised".

Amendment of section 32A, XIV of 1928.

11. (1) Section 32A of the said Act shall be renumbered as sub-section (1) of that section and in the said section as so renumbered—

(*a*) for the words "to any part of British India or other States in India", the words "to any part of His Majesty the King Emperor's Dominions or any State in India" shall be substituted;

(*b*) for the words "paid to" the words "deposited with" shall be substituted;

(*c*) for the words "for the benefit of" when they occur for the first time, the words "which has been awarded to or may be due to" shall be substituted;

(*d*) after the words "in any such part" and "in such part" where they occur the words "or State" shall be inserted;

(*e*) after the word "receipt" the word "distribution" shall be inserted;

(*f*) for the word "awarded" the word "deposited" shall be substituted; and

(*g*) for the words "and applicable for the benefit of" the words "which has been awarded to or may be due to" shall be substituted.

(2) To the said section as so renumbered, the following proviso shall be added, namely:

"Provided that no sum deposited under this Act in respect of fatal accidents shall be so transferred without the

onsent of the employer concerned until the Commissioner eceiving the sum has passed orders determining its istribution and apportionment under the provisions of ub-sections (4) and (5 of section 8."

(3) After the said section as so renumbered the ollowing sub-section shall be added, namely—

" (2) Where money deposited with a Commissioner ıas been so transferred in accordance with the rules made ınder this section, the provisions elsewhere contained in his Act regarding distribution by the Commissioner of ompensation deposited with him shall cease to apply in espect of any such money ".

12. In schedule II to the said Act— Am of s II, of 1

(*a*) in clause (i) for the words " mechanically ropelled vehicles " the words "a lift or a vehicle pro- elled by steam or other mechanical power or by lectricity and " shall be substituted ;

(*b*) in clause (ii) for the words, brackets and igures, " clause (2) of section 2 of the Mysore Factories ct, 1914 " the words, brackets, letter and figures, " clause g) of section 2 of the Mysore Factories Act, 1936 " shall e substituted " ;

(*c*) after clause (xviii) the following clauses shall be inserted, namely—

(xix) employed in the tapping of palm trees or the felling or logging of tress; or the transport of timber by inland waters, or the control or extinguishing of forest fires ; or

(xx) employed in operations for the catching or hunting of elephants or other wild animals; or "

(*d*) the existing clause (XIX) shall be renumbered as clause (xxi) and after that clause as so renumbered the following words and clauses shall be inserted, namely—

" or (xxii) employed in the handling or transport of goods in, or within the precincts of—

(*a*) any warehouse or other places in which goods are stored, and in which on any one day of the preceding twelve months ten or more persons have been so employed, or

(*b*) any market in which on any one day of the preceding twelve months one hundred or more persons have been so employed ; or

(xxiii) employed in any occupation involving the handling and manipulation of radium or

X-Ray apparatus, or contract with radio-active substances.'

Amendment of schedule III, Act XIV of 1928.

13. In schedule III to the said Act,—

(*a*) before the entry relating to lead poisoning and its sequelæ, the following shall be inserted, namely—

"PART A."

Any employ.....	
(*a*) involving the handling of wool, hair, bristles or animal carcasses or parts of such carcasses, incl ding hides, hoofs and horns;	(
(*b*) in connection with animals infecte with anthrax; or	
(*c*) involving the loading, unloading, transport of any merchandise.	(
Any process carried on in compresse air.	
Any process involving the use of lea tetraethyl.	
Any process involving exposure to ni rous fumes.	

"PART B."

(*b*) in the entry relating to lead poisoning or it sequelæ, to the words in the first column the word "excluding poisoning by lead tetra-ethyl" shall be adde and for the words "or its preparations or compounds" i the second column the words "or any of its preparation or compounds except lead tetra-ethyl" shall be substi tuted; and

(*c*) for the existing entry relating to compressed air illness or its sequelae the following entries shall be substituted, namely—

"Arsenical poisoning or its sequelæ."	Any process involving the production, liberation or utilisation of arsenic or its compounds.
Pathological manifestations due to—	Any process involving exposure to the action of radium, radio-active substances, or X-Rays.
(*a*) radium and other radio-active substances;	
(*b*) X-Rays	
Primary epitheliomatous cancer of the skin.	Any process involving the handling or use of tar, pitch, bitumen, minera oil, parafin, or the compou products or residues of these s stance

~~ated by the Superintendent at the Gov... ..., angalore.~~

Bill as passed by the Legislative Council

A. H. S. Chidrasekhara Aiyar
President
26/11/41
Legislative Council

NOTIFICATION.

No. Rl. 909, *dated Bangalore, the* 7—10*th November* 1941.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Workmen's Compensation (Amendment) Bill, together with the statement of objects and reasons.

By Order,
H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

STATEMENT OF OBJECTS AND REASONS OF THE BILL TO FURTHER AMEND THE WORKMEN'S COMPENSATION ACT, 1928.

The Mysore Workmen's Compensation Act, 1928, has been modelled very largely on the corresponding British Indian Act of 1923. Amendments made to the British Indian Act, from time to time, have been considered and, where necessary, adopted in Mysore.

In 1937, 1938 and 1939 a number of amendments was made in British India. The present Bill seeks to incorporate these amendments in the Mysore Act. These amendments are intended to deal with a number of ambiguities and minor defects which have come to light in recent years in the course of the administration of the Act.

The more important of the changes sought to be effected now are indicated in the Notes on clauses appended hereto.

Notes on Clauses.

Clause 2.—The definition of "dependant" has been enlarged to include a minor child of a d[illegible] where no parent of the child is alive.

Clause 3.—The provision relating to the liability of a employer for compensation has been widened so as t render him liable to certain additional occupation diseases which have been added to the list of diseases i Schedule III.

Clauses 4 and 5.—Clause 4 is intended to remov doubts as to whether a worker whose wages are pai otherwise than by the month or on a monthly basis can under any circumstances, claim the benefits of the Ac A more formal definition of the expression "monthl wages" is therefore proposed. A provision enabling workman, whose claim for compensation has been rejecte on the above ground, to have the investigation of hi claim re-opened is also incorporated by clause 5.

Clause 6.—The period within which notice of a accident or death has to be given to a Commissioner ha been raised from six months from the date of the accider or death to one year therefrom.

Under clause (*a*) of the proviso to this sectio (section 10), failure to give notice is no bar to the mair tenance of proceedings if the employer had notice of th accident or death. In practice, however, it has bee found that in some cases the real employer pleads ignc rance of the accident or death and escapes liability thoug other persons responsible to the employer in the busines in which the employee met the accident or death ma have notice. This defect is also sought to be removed.

Clause 10.—The right to appear before a Commi sioner on behalf of any party to proceedings before him now unlimited and any person authorised by a party may d so. The proposed amendment seeks to limit this right t a legal practitioner or an official of an insurance compan or with the permission of the Commissioner to any oth person, authorised by a party.

Clause 11.—Section 32A of the Act limits the transfer of compensation to transfers between Mysore and British India or other Indian States. The present amendment permits not only transfers with all parts of His Majesty the King Emperor's Dominions or other Indian States but also provides for the transfer of money prior to its distribution where the employer consents to such transfer.

Clause 12.—Schedule II of the Act which gives a list of persons who are "workmen" within the meaning of

NOTIFICATION

No. Rl. 909, *dated* Bangal*the* 7—10*th November* 194

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In 1937, 1938 and 1939 a number of amendments was made in British India. The present Bill seeks to incorporate these amendments in the Mysore Act. These amendments are intended to deal with a number of ambiguities and minor defects which have come to light in recent years in the course of the administration of the Act.

The more important of the changes sought to be effected now are indicated in the Notes on clauses appended hereto.

Notes on Clauses.

Clause 2.—The definition of "dependant" has been enlarged to include a minor child of a deceased daughter where no parent of the child is alive.

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Clause 10.—The right to appear before a Commissioner on behalf of any party to proceedings before him is now unlimited and any person authorised by a party may do so. The proposed amendment seeks to limit this right to a legal practitioner or an official of an insurance company or with the permission of the Commissioner to any other person, authorised by a party.

Clause 11.—Section 32A of the Act limits the transfer of compensation to transfers between Mysore and British India or other Indian States. The present amendment permits not only transfers with all parts of His Majesty the King Emperor's Dominions or other Indian States but also provides for the transfer of money prior to its distribution where the employer consents to such transfer.

Clause 12.—Schedule II of the Act which gives a list of persons who are "workmen" within the meaning of

the Act is proposed to be considerably enlarged and to include a number of new kinds of employment also.

Clause 13.—Schedule III of the Act giving a list of occupational diseases is proposed to be widened and a number of new diseases considered as occupational and giving a workman so affected during his employment a right to compensation is added.

The other changes are of a minor nature.

Act no IX of 1962

The Workmen's Compensation (amendment) Act

Act ~~A Bill~~ **further to amend the Workmen's Compensation Act, 1928.**

and the assent of the President was published on the 6th day of June

WHEREAS it is expedient further to amend the Workmen's Compensation Act, 1928, for the purposes hereinafter appearing :—

It is hereby enacted as follows :—

(1) This Act may be called the Workmen's Compensation (amendment) Act, 1962.

Short title.

2. In clause (*d*) of sub-section (1) of section 2 of the Workmen's Compensation Act, 1928 (hereinafter referred to as the said Act), Amendment of section 2, Act XIV of 1928.

(*a*) in sub-clause (i) for the word " wife, " the word widow " shall be substituted ;

(*b*) in sub-clause (ii) for the word " husband, " the word " widower " shall be substituted ; and

(*c*) in sub-clause (ii) after the words, " a minor child of a deceased son ", the words and comma " a minor child of a deceased daughter where no parent of the child is alive" shall be inserted.

3. In sub-section (2) of section 3 of the said Act— Amendment of section 3, Act XIV of 1928.

(*a*) for the words beginning " If a workman " and ending " disease of anthrax, " the following words shall be substituted, namely,—

" If a workman employed in any employment specified in Part A of Schedule III contracts any disease specified therein as an occupational disease peculiar to that employment ;"

(*b*) after the words " any employment specified in " the words " Part B of " shall be inserted ; and

(*c*) at the end of the explanation, the words " in ame kind of employment " shall be added.

4. In section 5 of the said Act-

Amendment of section 5, Act XIV of 1928.

(*a*) for the words, "In this Act, monthly wages mean the wages of a workman by whatever period paid and shall be calculated" the following shall be substituted, namely,—

"In this Act and for the purposes thereof, the expression 'monthly wages' means the amount of wages deemed to be payable for a month's service (whether the wages are payable by the month or by whatever other period or at piece rates) and calculated"

(*b*) in clause (*b*), the words "deemed to be" shall be omitted.

Restoration of proceedings.

5. After section 5 of the said Act, the following new section shall be inserted, namely,—

"5 A. Where in any proceedings under this Act concluded after the 1st July 1934, any person has been found by a Court not to be a workman within the meaning of this Act only by reason of the fact that his wages were payable otherwise than by the month or on a monthly basis, such finding shall be void and of no effect and the Court shall, notwithstanding anything to the contrary in the Mysore Limitation Act, 1911, or any other law for the time being in force, on application made within six months from the 6th day of January 1942 by any person prejudicially affected by such finding, restore the proceedings at, and continue the proceedings from, the stage reached immediately before the order embodying or based on such finding was made."

6. In section 10 of the said Act—

(*a*) in sub-section (1),

for the words beginning "No proceedings for recovery of compensation" and ending "within six months from the date of death," the following shall be substituted, namely

"No claim for compensation shall be entertained by Commissioner unless notice of the accident has been given in the manner hereinafter provided as soon as practicable after the happening thereof and unless the claim is referred before him within one year of the occurrence of the accident or, in case of death, within one year from the date of death

(2) in the second proviso—

(i) for the words "maintenance of proceedings" the words "entertainment of a claim" shall be substituted;

(ii) in clause (a) for the word "made" the word "preferred" shall be substituted; and

(iii) in clause (b) after the words "employer" the words "or any one of several employers or any person responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed" shall be inserted; and

(3) in the third proviso, for the word "admit" the word "entertain" shall be substituted and for the words 'instituted" and "institute", respectively the words "preferred" and "prefer" shall be substituted; and

(b) in sub-section (2) the word "directly" shall be omitted.

Amendmen of section 1 Act XIV of 1928.

7. In sub-section (6) of section 11 of the said Act—

(a) for the words "if it is thereafter proved that the workman has not been regularly attended by a qualified Medical Practitioner and that such refusal, failure or disregard was unreasonable" the following shall be substituted, namely :—

"if it is proved that the workman has not thereafter been regularly attended by a qualified Medical Practitioner or having been so attended has deliberately failed to follow his instructions and that such refusal, disregard or failure was unreasonable", and

(b) after the words "qualified Medical Practitioner" where they occur for the last time, the words "whose instructions he had followed" shall be inserted.

Amendment of section 17, Act XIV of 1928.

8. In section 17 of the said Act, for the words and figures "a certificate granted in respect of such person under section 7 or section 8 of the Mysore Factories Act, 1914" the words and figures "a valid certificate granted in respect of such person under section 12 or section 52 of the Mysore Factories Act, 1936" shall be substituted.

Amendment of section 20, Act XIV of 1928.

9. In sub-section (2) of section 20 of the said Act,—

(*a*) for the words "by any party to any proceedings pending before him that such matter" the words "that any matter arising out of any proceedings pending before him" shall be substituted; and

(*b*) before the proviso the following proviso shall be inserted, namely—

> Provided that the Commissioner shall not, where any party to the proceedings has appeared before him make any order of transfer relating to the distribution among dependants of a lumpsum without giving such party an opportunity of being heard'

and in the existing proviso, after the word "Provided" the word "further" shall be inserted.

10. In section 23 of the said Act, for the words "other person authorised in writing by such person" the following shall be substituted, namely—

> by an official of an insurance company authorised in writing by such person or with the permission of the Commissioner, by any other person so authorised'

11. (1) Section 32A of the said Act shall be renumbered as sub-section (1) of that section and in the said section as so renumbered—

(*a*) for the words "to any part of British India or other States in India", the words "to any part of His Majesty the King Emperor's Dominions or any State in India" shall be substituted;

(*b*) for the words "paid to" the words "deposited with" shall be substituted;

(*c*) for the words "for the benefit of" when they occur for the first time, the words "which has been awarded to or may be due to" shall be substituted;

(*d*) after the words "in any such part" and "in such part" where they occur the words "or State" shall be inserted;

(*e*) after the word "receipt" the word "distribution" shall be inserted;

(*f*) for the word "awarded" the word "deposited" shall be substituted; and

(*g*) for the words "and applicable for the benefit" the words "which has been awarded to or may be due" shall be substituted.

(2) To the said section as so renumbered, the following proviso shall be added, namely—

"Provided that no sum deposited under this Act in respect of fatal accidents shall be so transferred without th

consent of the employer concerned until the Commissioner receiving the sum has passed orders determining its distribution and apportionment under the provisions of sub-sections (4) and (5 of section 8."

(3) After the said section as so renumbered the following sub-section shall be added, namely—

" (2) Where money deposited with a Commissioner has been so transferred in accordance with the rules made under this section, the provisions elsewhere contained in this Act regarding distribution by the Commissioner of compensation deposited with him shall cease to apply in respect of any such money "

12. In schedule II to the said Act—

(*a*) in clause (i) for the words " mechanically propelled vehicles " the words "a lift or a vehicle propelled by steam or other mechanical power or by electricity and " shall be substituted ;

(*b*) in clause (ii) for the words, brackets and figures, " clause (2) of section 2 of the Mysore Factories Act, 1914 " the words, brackets, letter and figures, " clause (g) of section 2 of the Mysore Factories Act, 1956 " shall be substituted " ;

(*c*) after clause (xviii) the following clauses shall be inserted, namely—

(xix) employed in the tapping of palm trees or the felling or logging of tress, or the transport of timber by inland waters, or the control or extinguishing of forest fires ; or

(xx) employed in operations for the catching or hunting of elephants or other wild animals; or "

(*d*) the existing clause (XIX) shall be renumbered as clause (xxi) and after that clause as so renumbered the following words and clauses shall be inserted, namely—

" or (xxii) employed in the handling or transport of goods in, or within the precincts of—

(*a*) any warehouse or other places in which goods are stored, and in which on any one day of the preceding twelve months ten or more persons have been so employed, or

(*b*) any market in which on any one day of the preceding twelve months one hundred or more persons have been so employed ; or

(xxiii) employed in any occupation involving the handling and manipulation of radium or

X-Ray apparatus, or contract with radio-active substances."

Amendment of schedule III, Act XIV of 1928.

13. In schedule III to the said Act,—

(*a*) before the entry relating to lead poisoning and the following shall be inserted, namely—

"PART A."

Any employment—	
(*a*) involving the handling of wool, hair, bristles or animal carcasses or parts of such carcasses, including hides, hoofs and horns; or	
(*b*) in connection with animals infected with anthrax; or	
(*c*) involving the loading, unloading, or transport of any merchandise.	
Any process carried on in compressed air.	
Any process involving the use of lead tetraethyl.	
Any process involving exposure to nitrous fumes.	

PART B

relating to lead poisoning or its
in the first column the words
lead tetra-ethyl" shall be added
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G. R. S. VI.—S-III/14]

DRAFT.

SUBJECT..... .....

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Section. Legis
File No. ~~35 41~~ 41
Serial No. 1

Proceedings of the Government of H. H. the Maharaja of Mysore.

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

( )

the.....*191*

Date of issue.....

Signed by.....

Order No. R.L. 1319.

Ordered that the accompanying Act further to amend the Workmen's Comp Act, 1923

which received the assent of His Highness the Maharaja, on the 6th day of January 1942, be published as ~~Regulation~~ Act No. IX of 1942, in the *Mysore Gazette* for general information.

27.1.42

Secretary to Government.
Law Department

27.1.42

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

To

The Compiler, *Mysore Gazette*, for publication in Part III of the Gazette, in English and Kannada and for supply of .....spare copies in English, and .....spare copies in Kannada to this office, and.....spare copies in English and.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore. Proofs should be sent to this office for approval before publication.

Spare as per orders

NOTIFICATION.

Order No. R. L. 1319—*Legis.* 40-41-1, *dated Bangalore, the 27th January* 1942.

Ordered that the accompanying Act, further to amend the Workmen's Compensation Act, 1928, which received the assent of His Highness the Maharaja on the 6th day of January 1942, be published as Act No. IX of 1942 in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

ACT No. IX OF 1942.

THE WORKMEN'S COMPENSATION (AMENDMENT) ACT, 1942.

An Act further to amend the Workmen's Compensation Act, 1928.

(*Received the assent of His Highness the Maharaja on the 6th day of January* 1942.)

WHEREAS it is expedient further to amend the Workmen's Compensation Act, 1928, for the purposes hereinafter appearing :—

It is hereby enacted as follows :—

1. This Act may be called the Workmen's Compensation (Amendment) Act, 1942. Short title.

2. In clause (*d*) of sub-section (1) of section 2 of the Workmen's Compensation Act, 1928 (hereinafter referred to as the said Act)— Amendment of section 2, Act XIV of 1928.

(*a*) in sub-clause (i) for the word " wife," the word " widow " shall be substituted;

(*b*) in sub-clause (ii) for the word " husband," the word " widower " shall be substituted; and

(*c*) in sub-clause (ii) after the words, " a minor child of a deceased son," the words and comma " a minor

child of a deceased daughter where no parent of the child is alive" shall be inserted.

Amendment of section 3, Act XIV of 1928.

3. In sub-section (2) of section 3 of the said Act—

(*a*) for the words beginning "If a workman," and ending "disease of anthrax," the following words shall be substituted, namely—

"If a workman employed in any employment specified in Part A of Schedule III contracts any disease specified therein as an occupational disease peculiar to that employment;"

(*b*) after the words "any employment specified in the words "Part B of" shall be inserted; and

(*c*) at the end of the explanation, the words "in the same kind of employment" shall be added.

Amendment of section 5, Act XIV of

4. In section 5 of the said Act-

(*a*) for the words, "In this Act, monthly wages mean the wages of a workman by whatever period paid and shall be calculated" the following shall be substituted, namely,-

"In this Act and for the purposes thereof, the expression 'monthly wages' means the amount of wages deemed to be payable for a month's service (whether the wages are payable by the month or by whatever other period or at piece rates) and calculated";

(*b*) in clause (*b*) the words "deemed to be" shall be omitted.

5. After section 5 of the said Act the following new section shall be inserted, namely—

"5 A. Where in any proceedings under this Act concluded after the 1st July 1934, any person has been found by a Court not to be a workman within the meaning of this Act only by reason of the fact that his wages were payable otherwise than by the month or on a monthly basis, such finding shall be void and of no effect and the Court shall, notwithstanding anything to the contrary in the Mysore Limitation Act, 1911, or any other law for the time being in force, on application made within six months from the 6th day of January 1942 by any person prejudicially affected by such finding, restore the proceedings at, and continue the proceedings from, the stage reached immediately before the order embodying or based on such finding was made.

In section 10 of the said Act—

(*a*) in sub-section (1),—

(1) for the words beginning "No proceedings for the recovery of compensation" and ending "within six months from the date of death," the following shall be substituted, namely—

"No claim for compensation shall be entertained by a Commissioner unless notice of the accident has been given in the manner hereinafter provided as soon as practicable after the happening thereof and unless the claim is referred before him within one year of the occurrence of the accident or, in case of death, within one year from the date of death";

(2) in the second proviso—

(i) for the words "maintenance of proceedings" the words "entertainment of a claim" shall be substituted;

(ii) in clause (a) for the word "made" the word "preferred" shall be substituted; and

(iii) in clause (b) after the words "employer" the words "or any one of several employers or any person responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed" shall be inserted; and

(3) in the third proviso, for the word "admit" the word "entertain" shall be substituted and for the words "instituted" and "institute", respectively, the words "preferred" and "prefer" shall be substituted; and

(*b*) in sub-section (2) the word "directly" shall be omitted.

7. In sub-section (6) of section 11 of the said Act— Amendment of section 11, Act XIV of 1928.

(*a*) for the words "if it is thereafter proved that the workman has not been regularly attended by a qualified Medical Practitioner and that such refusal, failure or disregard was unreasonable" the following shall be substituted, namely :—

"if it is proved that the workman has not thereafter been regularly attended by a qualified Medical Practitioner or having been so attended has deliberately failed to follow his instructions and that such refusal, disregard or failure was unreasonable", and

(b) after the words "qualified Medical Practitioner" where they occur for the last time, the words whose instructions he had followed" shall be inserted

Amendment of section 17, Act XIV of 1928.

8. In section 17 of the said Act, for the words and figures "a certificate granted in respect of such person under section 7 or section 8 of the Mysore Factories Act, 1914" the words and figures "a valid certificate granted in respect of such person under section 12 or section 52 of the Mysore Factories Act, 1936" shall be substituted.

Amendment of section 20, Act XIV of 1928.

In sub-section (2) of section 20 of the said Act,—

(a) for the words "by any party to any proceedings pending before him that such matter" the words "that any matter arising out of any proceedings pending before him" shall be substituted; and

(b) before the proviso the following proviso shall be inserted, namely—

"Provided that the Commissioner shall not, where any party to the proceedings has appeared before him, make any order of transfer relating to the distribution among dependants of a

(*c*) for the words "for the benefit of" where they occur for the first time, the words "which has been awarded to or may be due to" shall be substituted;

(*d*) after the words "in any such part" and "in such part" where they occur the words "or State" shall be inserted

(*e*) after the word "receipt" the word "distribution" shall be inserted;

(*f*) for the word "awarded" the word "deposited" shall be substituted; and

(*g*) for the words "and applicable for the benefit of" the words "which has been awarded to or may be due to" shall be substituted.

(2) To the said section as so renumbered, the following proviso shall be added, namely—

"Provided that no sum deposited under this Act in respect of fatal accidents shall be so transferred without the consent of the employer concerned until the Commissioner receiving the sum has passed orders determining its distribution and apportionment under the provisions of sub-sections (4) and (5) of section 8."

(3) After the said section as so renumbered the following sub-section shall be added, namely—

(2) Where money deposited with a Commissio has been so transferred in accordance with the rules m under this section, the provisions elsewhere contained this Act regarding distribution by the Commissioner compensation deposited with him shall cease to apply respect of any such money"

12. In schedule II to the said Act

(*a*) in clause (i) for the words mechanica propelled vehicles" the words "a lift or a vehicle p pelled by steam or other mechanical power or electricity and" shall be substituted;

(*b*) in clause (ii) for the words, brackets and figures, "clause (2) of section 2 of the Mysore Factories Act, 1914" the words, brackets, letter and figures, "clause (g) of section 2 of the Mysore Factories Act, 1936" shall be substituted;

after clause (xviii) the following clauses shall be inserted, namely

employed in the tapping of palm trees or the felling or logging of trees, or the transport of timber by inland waters, or the control or extinguishing of forest fires; or

employed in operation

PART B."

(*b*) in the entry relating to lead poisoning or its sequelæ, to the words in the first column the words "excluding poisoning by lead tetra-ethyl" shall be added and for the words "or its preparations or compounds" in the second column the words "or any of its preparations or compounds except lead tetra-ethyl" shall be substituted; and

(*c*) for the existing entry relating to compressed air illness or its sequelæ the following entries shall be substituted, namely—

"Arsenical poisoning or its sequelæ.	Any process involving the production, liberation or utilisation of arsenic or its compounds.
Pathological manifestations due to—	
(*a*) radium and other radio-active substances;	Any process involving exposure to the action of radium, radio-active substances, or X-Rays.
(*b*) X-Rays	
Primary epitheliomatous cancer of the skin.	Any process involving the handling or use of tar, pitch, bitumen, mineral, oil, parafin, or the compounds, products or residues of these substances."

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